

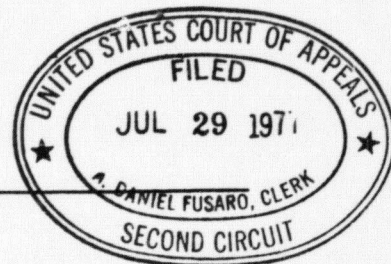
***United States Court of Appeals
for the Second Circuit***



**APPELLEE'S
APPENDIX**

77-6074.

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
DOCKET NO. 77-6074



WESTPORT TAXI SERVICE, INC., et al.,

Plaintiffs-Appellants,

vs.

BROCK ADAMS, SECRETARY OF
TRANSPORTATION, et al.,

Defendants-Appellees

B
P/S

APPELLEES' APPENDIX

Of Counsel:

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Urban Mass Transportation
Administration
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Submitted by:

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District of Connecticut

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For all defendants-appellees

PAGINATION AS IN ORIGINAL COPY

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UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

WESTPORT TAXI SERVICE, INC., et al.,

Plaintiffs

-vs-

WILLIAM T. COLEMAN, JR., et al.,

Defendants.

Civil Action No. B-76-369

AFFIDAVIT OF CHARLES F. BINGMAN
ACTING URBAN MASS TRANSPORTATION ADMINISTRATOR

DISTRICT OF COLUMBIA, to wit:

This day before the undersigned Notary Public in and for the District of Columbia personally appeared Charles F. Bingman, who, being by me first duly sworn according to law, did on his oath depose and say as follows:

1. The affiant is the duly appointed and acting Deputy Administrator and Acting Urban Mass Transportation Administrator of the United States of America, and has official knowledge of all of the matters and things hereinafter set forth.

2. All of the powers vested in William T. Coleman, Jr., Secretary of Transportation, defendant herein, pursuant to the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. §§ 1601 et seq.) (the "UMT ACT") and other statutes authorizing Federal financial assistance to mass transportation, have been officially delegated to the Administrator and his predecessors in office (49 CFR § 1.51).

3. Section 6 of the UMT Act (49 U.S.C. § 1605) authorizes the Secretary of Transportation to "...undertake research, development, and demonstration projects in all phases of urban mass transportation (including the development, testing, and demonstration of new facilities, equipment, techniques, and methods)

which he determines will assist in the reduction of urban transportation needs, the improvement of mass transportation service, or the contribution of such service toward meeting total urban mass transportation needs at minimum cost." Section 6 authorizes the Secretary to "... undertake such projects independently or by grant or contract... ."

The overriding purpose of projects undertaken pursuant to this section is to produce results which may be applied to other projects in similar urban areas.

4. On April 11, 1975 the Westport Transit District ("Westport Transit") submitted an application to UMTA for a research, development, and demonstration project under section 6 of the UMT Act for a grant of \$25,000 to carry out a study to ascertain the feasibility of the development of an integrated system of conventional and paratransit services in the communities of Westport and Weston, Connecticut (a certified copy of this application is submitted as Exhibit "A" and made part of this Affidavit).

5. On June 26, 1975 the Administrator's predecessor approved the project, Project No. CT-06-0007, described in the immediately preceding paragraph (a certified copy of the approval memorandum and letter advising Westport Transit of the approval is submitted as Exhibit "B" and made part of this Affidavit).

6. The study funded by Project No. CT-06-0007 was prepared by ECI Systems, Inc. for Westport Transit, and submitted to UMTA on December 19, 1975 (a certified copy of this study is submitted as Exhibit "C" and made part of this Affidavit).

7. On January 31, 1976 Westport Transit applied for a grant of \$610,441 under section 6 of the UMT Act (49 U.S.C. § 1605) to implement the study described in paragraph 4 of this Affidavit by integrating conventional and paratransit services in Westport and Weston. On April 26, 1976 Westport Transit requested a modification

of its application to the effect of deleting services in Weston and adding certain other services in Westport, such as demonstrating the utilization of "occasional providers" of paratransit services. The objective of the project, is to develop a comprehensive transportation system through a total integration of conventional and paratransit services operated by a public agency and a private mass transportation operator under contract to the agency, and the project is designed to serve as a model for potential future use nationwide (a certified copy of the project application is submitted as Exhibit "D" and made part of the Affidavit).

8. On July 16, 1976, the Administrator approved an amendatory grant of \$610,000 for the project, Project No. CT-06-0007-01, described in the immediately preceding paragraph (a certified copy of the approval memorandum and letter advising Westport Transit of the approval is submitted as Exhibit "E" and made part of this Affidavit).

9. A grant contract between UMTA and Westport Transit was executed on December 16, 1976, committing UMTA to fund and Westport Transit to undertake the project described in paragraph 7 of this Affidavit (a certified copy of the executed contract is submitted as Exhibit "F" and made part of this Affidavit).

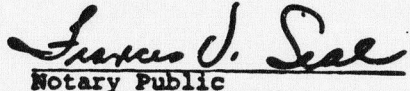
10. Section 12(c)(5) of the UMT Act (49 U.S.C. § 1608 (c)(5)) defines "mass transportation" for purposes of the UMT Act as "transportation by bus, rail or other conveyance, either publicly or privately owned, which provides to the public general or special service on a regular and continuing basis". UMTA has consistently included within this definition any form of collective transportation service which is regularly available to the public; i.e., any service which cannot be reserved for the private and exclusive use of particular individuals or

private groups (certified copies of official correspondence expressing this interpretation are submitted as Exhibits "G" and "H" and made part of this Affidavit). Hence, fixed-route bus or rail services and paratransit services such as dial-a-ride, jitney, shared-ride taxi, neighborhood transit, subscription bus service and other types of shared-ride transportation services which are available to the public or to special categories of users (such as elderly and handicapped persons) on a regular basis are considered by UMTA to be "mass transportation services." Services which can be reserved for the exclusive use of individuals or private groups, either by the operator or the first patron's refusal to permit others to be picked up, such as exclusive-ride taxi service, charter services, sightseeing services, employer vanpool programs, car rental services, for-hire limousines and private ambulance service are not deemed to be "mass transportation" services for purposes of the UMT Act.

11. As indicated by section 1(a) of the executed Grant Contract (Exhibit F, p.2), no Federal assistance will be used for exclusive-ride taxi service as part of the Project. The only taxi service that the grant will fund will be shared-ride service that will provide complementary service to the fixed route bus service.


CHARLES F. BINGMAN
Deputy Urban Mass Transportation
Administrator

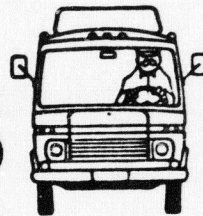
Taken, Subscribed, and sworn to by Charles F. Bingman
before me this 31st day of December 1976.


Notary Public
District of Columbia

My Commission expires May 31, 1977.

B-5-
CT-06-0007

minnybus
WESTPORT TRANSIT DISTRICT



311 East State Street
Westport, Conn. 06880
Information 226-7171
Office 226-0422

April 11, 1975

MAY 1 1975

Service & Methods Demonstration Division
Urban Mass Transportation Administration
Department of Transportation
Washington, D. C. 20590

Gentlemen:

The Westport Transit District is applying for a grant of \$25,000 for a demonstration and service development project, in order to define and plan the role of paratransit services in an integrated transportation system for the communities of Westport and Weston. Additionally, it is expected that the study to be undertaken would design a plan in the form of a well-defined demonstration project.

It is the belief of the Westport Transit District that a unified system of service, including premium-ride taxi, shared-ride taxi, subscription service, demand-activated bus service, integrating the equipment and services of both the taxi and bus operations, coordinated with both the Penn Central commuter service and the intercity coach service could have a significant impact in meeting the needs in our communities and substantially increasing ridership. Further, it believes that the successful integration of these services would provide a useful model for other parts of the country.

The applicant affirms that the data submitted to the Department of Transportation in support of this application are true and correct.

We hope you will look favorably upon our request.

Sincerely,

Richard H. Bradley

Richard H. Bradley
Executive Director

RHB:11h

APPLICATION FOR FEDERAL ASSISTANCE

PART I

3. Federal Grantor Agency Department of Transportation Organizational Unit Urban Mass Transportation Administration Administrative Office Street Address - P.O. Box City State Zip Code		1. State Clearinghouse Identifier							
		2. Applicant's Application No. (to be completed by UMTA)							
4. Applicant Name Westport Transit District Department Division Street Address - P.O. Box 311 East State Street City County Westport Fairfield State Zip Code Connecticut 06880		5. Descriptive Name of the Project Demonstration & Service Development Project							
		6. Federal Catalog No.							
		7. Federal Funding Requested \$ 25,000.00							
		8. Grantee Type State County City Other (Specify) transit district							
9. Type of Application or Request ☒ New Grant, Continuation, Supplement, Other Changes (Specify)									
10. Type of Assistance ☒ Grant, Loan, Other (Specify)									
11. Population Directly Benefiting from the Project Westport & Weston, Connecticut		13. Length of Project Three months							
12. Congressional District a. 4th District, Connecticut b.		14. Beginning Date July 1, 1975 (Est.)							
		15. Date of Application							
16. The applicant certifies that to the best of his knowledge and belief the data in this application are true and correct, and that he will comply with the attached assurances if he receives the grant.									
Typed name Richard H. Bradley		Title Executive Director							
Signature of Authorized Representative <i>Richard H. Bradley</i>		Telephone Number <table border="1"><thead><tr><th>AREA CODE</th><th>NUMBER</th><th>EXT.</th></tr></thead><tbody><tr><td>203</td><td>226-0422</td><td></td></tr></tbody></table>		AREA CODE	NUMBER	EXT.	203	226-0422	
AREA CODE	NUMBER	EXT.							
203	226-0422								
For Federal Use Only									

PART III - BUDGET INFORMATION

Page 1

OMB NO. 80-RO-186

SECTION A - BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Demonstration & Service Project		\$	\$	\$ 25,000.00	\$	\$ 25,000.00
2.						
3.						
4.						
5. TOTALS		\$	\$	\$ 25,000.00	\$	\$ 25,000.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$	\$	\$	\$	\$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual	\$25,000.00				\$25,000.00
g. Construction					
h. Other					
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	\$ 25,000.00	\$	\$	\$	\$ 25,000.00
7. Program Income	\$	\$	\$	\$	\$

B-7

PART III – BUDGET INFORMATION

Page 2

OMB NO. 80-RO186

SECTION C – NON-FEDERAL RESOURCES

(a) GRANT PROGRAM	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	\$	\$	\$	\$
9.				
10.				
11.				
12. TOTALS	\$	\$	\$	\$

SECTION D – FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 25,000.00	\$ 25,000.00	\$	\$	\$
14. Non-Federal					
15. TOTAL	\$ 25,000.00	\$ 25,000.00	\$	\$	\$

SECTION E – BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) GRANT PROGRAM	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTALS	\$	\$	\$	\$

SECTION F – OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

8-8

PART IV
PROGRAM NARRATIVE

A. Project Description

Background: In Westport a recently initiated bus transit service has been enthusiastically and positively received by the community. The system, which operates with nine buses (8 sixteen-passenger and 1 thirty-three passenger), covers seven fixed routes and has been carrying an average of 2,000 passengers a day. As relatively successful as this service is, particularly considering the population (30,000) and the area (22 square miles), there are many other potential transit users which the Directors of the Transit District feel have not been reached by the existing service. A survey conducted in the fall which included people who are not presently using the buses indicated they did not because it was inconvenient and a car better served the purpose. However, many people expressed interest in using transit service if they could be made more flexible. Travel time, 35-minute headways, does not offer a quality of service which these potential users of transit want. Essentially, these people are looking for an alternative both to more traditional bus service as well as to the private automobile.

Westport is also served by two taxi companies who together average approximately 250 riders per day and have in the past utilized up to eleven vehicles. To a certain extent they have provided a substitute for the automobile. In fact, until recently they were the only alternative. For the past several years both have existed on small profit margins and have diversified into other services such as limousine service and rent-a-car services in order to make their businesses more profitable. Low profits have made it impossible for them to make substantial capital improvements or to experiment with new or improved services. The limited ridership has also resulted in charging higher fares to taxi users and these subsequently discouraged the development of any new markets of riders.

Westport's neighbor to the north is the Town of Weston which is closely related to Westport for many of its services. A Transit Study Committee has been set up by the First Selectman of Weston to study the possibility of transit service for Weston. Although the community is similar to Westport in terms of social composition and shares many of the same social needs which bus service in Westport has helped to meet, Weston has a much smaller population of approximately 8,000 spread out over 19 square miles. Preliminary estimates for any possible transit services indicate that fixed route service such as provided in Westport is rather doubtful. Al-

though the extension of one or two fixed routes from Westport into certain sections of Weston might be adequate, Weston needs to consider some other alternative if it is to institute transit services.

It is also important to note that Westport is served by two station stops on the West End commuter line of the Penn Central. It is estimated that more than 2,300 commuters use the stations of which Saugatuck, as opposed to Greens Farms Station, serves the major load (2,000). Approximately 500 people from Weston use these stations. Minnybus commuter service, which covers approximately one-third of the geographical area of Westport, has attracted 200 riders a day. Taxi service also provides service to and from the station. It is the feeling of the Transit Directors that many other people would be willing to use transit services to and from the station if there were more frequent service or better area coverage.

Westport and Weston in many ways reflect similar transportation needs and potential which are shared by other communities throughout the country: low density, almost total dependence on the automobile, large transit-dependent populations such as children, elderly, and to a small degree, those economically disadvantaged, committed to high utilization of land for parking spaces, locked into high costs to own and operate automobiles, compelled to utilize scarce energy resources to carry out day-to-day activities.

Within the past several years there have been developments in the field of paratransit services which are being considered as serious options to deal with problems such as those faced by Westport and Weston. More effective taxi service, shared-ride taxi service, dial-a-ride bus, subscription bus and taxi, jitney service, car-pooling are some of the options which are being studied. These options provide not only an alternative to conventional transit but also to the private automobile. It appears that much of the experimentation in the field has been focused on attempts to utilize conventional equipment such as buses operated by public authorities to provide these services. For several reasons the taxi companies have not played a major role. Beyond this, there have been limited attempts to use a systems approach to the field of paratransit in which different kinds of equipment and services provided by different operators were integrated into a unified system.

It is the belief of the Westport Transit District that a unified system of service, including premium-ride taxi, shared-ride taxi, subscription service, demand-activated bus service, integrating the equipment and services of both the taxi and bus operations, coordinated with both the Penn Central commuter service and the intercity coach service could have a

significant impact in meeting the needs in our communities and substantially increasing ridership. Further, it believes that the successful integration of these services would provide a useful model for other parts of the country. Based on this belief, the Westport Transit District is requesting UMTA assistance to study the possibility of developing such an integrated system and to plan an implementation project.

Goal: There would be a two-fold goal for this project...No. 1, to define and plan the role of paratransit services and modes for an integrated transportation system for the communities of Westport and Weston...No. 2, to design a demonstration project which clearly defines the important service elements of the project to be studied and establishes criteria by which to evaluate these elements. In both cases special emphasis will be given on the use of taxi service in the project.

Summary of Project Activities: The basic activities of the project will take the form of carrying out a study which will define a demonstration project. The study will focus on the development of an integrated system of paratransit services coordinated within a total system of transit for the communities of Westport and Weston.

Because the Transit District staff is limited to a single administrator, the study will be carried out through a consultant contract which would be bid in accordance with UMTA procedures. Because of the special emphasis on integrating taxis into this plan, the consultant would be required to obtain the services of a prominent expert in the taxi industry if one were not already on its staff to be utilized as part of accomplishing the goals of the study.

The Transit District's Executive Director would function as the Project Manager and considerable amounts of his time will be contributed to completing the tasks in the project.

It is estimated that the study would be accomplished in three months. A month would be devoted to a portion of the study. The first month would be concerned with data collection and analysis, the second month with the development of alternatives, and the third month with design of an implementable demonstration project. It is assumed that interim reports would be produced at the end of the first two phases.

B. Work Program

The following describes the specific tasks to be carried out during the project. Most of the work will be done by a consultant chosen by the District.

Tasks:

1. Investigate existing taxi service and ridership - The operations of the two taxi services in Westport will be studied in terms of past operating experiences and utilization of the service by people in the communities. In this aspect of the study attempt will be made to define what factors have influenced or decreased ridership over the past several years. Beyond this, the study will look at the broader developments in the field of taxi operations and compare them with experiences in Westport.
2. Investigate bus service and ridership - A detailed study of the recently instituted transit services will be done using information currently available from the Transit District. The purpose of this study is to attempt to identify ridership markets presently not being served by the Transit District.
3. Investigate transit needs in Weston, Connecticut - To a great extent this would require doing a feasibility study for Weston, taking into consideration the nature of the community, traffic generators, transit patterns, etc. Simultaneous to the development of this particular study a regional study will be undertaken by the South Western Regional Planning Agency whose overall goal includes studying transit options for Weston. It is assumed that some of the information developed by this regional study will be useful in doing a more detailed study required for this project.
4. Define existing and potential markets for paratransit ridership - To a certain extent the study of taxi service and bus service should help define these markets. Beyond this, however, it will be necessary to look at other factors in the community such as specific needs of the elderly, shopping habits, special commuter needs, services to nursery schools, etc. in order to thoroughly define this market.
5. Design an integrated system of service to reach these markets - Once the data had been collected and analyzed, the actual design of the integrated system would be required. It is assumed that all paratransit modes would be considered in developing the service system.

6. Provide analysis of costs for total system with several alternative schedules - This aspect of the study would require looking at costs from several points of view...
 - 1) Overall costs including the cost for existing transit;
 - 2) Specific costs for the increase in service or changes in service which would be necessitated as part of an integrated plan.
7. Propose alternative fare structures - It is assumed that the cost for the services will vary depending on the type of equipment used, management, and productivity of the vehicles. Aside from fixing various specific single fares, plans should also include utilization of the annual pass concept and various forms of charging for service.
8. Propose a scheduling system for the vehicles - This would be a further refinement for the design of the system which would deal very specifically with what kinds and how much equipment should be available at different times of day.
9. Investigate regulatory powers - The Westport Transit District is granted the powers of the Public Utilities Commission to regulate all forms of mass transit in its area. The study should, however, explore any possible conflicts as well as to help define differences in these modes of transit so that the Transit District could adopt its own definitions.
10. Recommend necessary equipment - It will be necessary to consider the kinds of equipment presently available in the area as well as to study other kinds of equipment which might better serve the paratransit market.
11. Develop management options - Because at the present time three independent organizations (the Transit District and two taxi companies) provide transit services in Westport, it will be necessary to study the implications of coordinating these services in such a way as to avoid conflict and provide equitable shares of the market. Consideration will be given to such topics as joint dispatching, shared maintenance facilities, transfer arrangements, etc.
12. Proposed phased program for initiating service - This section of the study should spell out in specific detail what changes in service should occur and in what order. It will also be important to consider the implementation of a marketing program to coincide with these changes in service.

13. Define this program of services as a demonstration project
- In this part of the study it will be necessary to clarify the specific goals of initiating new services, with specific elements of new service to be studied and to clearly identify the criteria to be used to help determine the value of the changes in service.

C. Narrative Explanations Supporting Each Cost Item

It is impossible to estimate in a detailed fashion the specific cost on a line-item basis in order to complete the study because the Transit District will have to enter into a third-party contract in order to complete the work. It is estimated that \$25,000 should be adequate to cover the costs of the study. In asking for "Request for Proposals" the District will require consultants to submit specific costs broken down on a line-item basis.

D. Project Area

1. Area Characteristics - The following represent two independent descriptions of the communities involved in the study of Westport and Weston.

Principal Characteristics of Westport - The Town of Westport encompasses an area of 20 square miles in southwestern Connecticut, with approximately eight miles of shoreline fronting on Long Island Sound. It is located in Fairfield County, and lies within the northeast corridor between New York City and Boston. Westport is served by three east-west interregional highways, namely, U. S. Route 1, the Merritt Parkway, and the Connecticut Turnpike; Route 33 and Route 57 serve as main north-south highways.

Population, Housing, Income and Employment - Westport's population, from the 1970 census data, is approximately 27,400. This population is housed in 8,485 housing units, resulting in an average of 3.22 persons per housing unit.

There were 17,511 motor vehicles registered in Westport in 1970. Thus, there were about 2.2 vehicles per housing unit.

The average annual income per household in Westport after payment of Federal income tax, in 1969 was \$21,380. This compares with an average for Connecticut of \$12,074.

Employment data from the Connecticut Labor Department for June, 1969, shows a total of 7,500 persons employed in Westport, with only 560 of these employed in manufacturing. Also, about 1,800 Westport residents commute to work via the New Haven Division of the Penn Central Railroad.

The preceding data portrays Westport as a medium-sized community inhabited by families with incomes sufficient for good housing and a high rate of car ownership. The large number of persons commuting by railroad has a significant effect on the traffic pattern in Westport during the peak hours.

Because of the affluence of the community and its low density of residential development, the chief mode of vehicular transportation within Westport is that of the private automobile. For those persons without access to an automobile, there is a small taxi company and limited bus service operated by the Connecticut Railway and Lighting Company along the Boston Post Road. These buses operate hourly between Bridgeport and Norwalk, and the franchise allows pickups and discharge of passengers at points along the Post Road within Westport.

Land Use and Zoning - In terms of land use, Westport is predominantly residential in character. Most of the land zoned for residential use can be developed only for relatively large lots, one-half acre to two acres in size. A few small pockets of zoning allowing lots of 6,000 square feet exist because of older development, but are insignificant in relation to the total town area.

Business zoning and land use is restricted largely to a narrow strip on both sides of U. S. Route 1 completely through the town and an area for the central business district located where Route 1 crosses the Saugatuck River. There is a secondary business district just north of the Saugatuck Railroad Station. The zoning regulations allow Design Development Districts to be established by special permit for commercial and industrial development in areas now zoned residential. Very little development has actually taken place under this regulation.

Future Growth Trends - The only official population projection for Westport was that made by the Connecticut Office of State Planning in December, 1968. Their estimate of the 1980 population of Westport was 46,500 persons. Since that time, the results of the U. S. Census of 1970 have become available to form a more accurate base for projections.

A study of the census figures for the population in Westport since 1950 gives some direction for future projections. The population of 11,700 in 1950 grew to 21,000 in 1960, an 80-per-cent increase, which is equivalent to a 6-per-cent annual growth rate. The increase to 27,400 in 1970 was 30 per cent, or at an annual growth rate of 2.75 per cent. The slowing of the growth rate is not unusual for a community that has limited amount of land available for new development.

Because of the character of the town and its land development controls, Westport is not likely to grow at a rate faster than that maintained from 1960 to 1970. If this annual rate of 2.75 per cent is applied to the present population of 27,400, the 1980 population would be 35,000. Even if Westport's zoning regulations are revised to allow some low-rise apartment development, it is unlikely that the future rate of growth will exceed that of the past decade.

The data for taxable motor vehicles in Westport shows that the number of motor vehicles has been increasing at a faster rate than the population. From 1950 to 1960 the number of vehicles increased from 5,924 to 11,747, which was at an average annual rate of 7 per cent. From 1960 to 1970 the

increase was from 11,747 to 17,511, at an average annual rate of 4 per cent. If this annual rate is assumed for the decade 1970 to 1980, the number of registered vehicles in Westport in 1980 would approximate 25,900.

Principal Characteristics of Weston - The following description of Weston is taken from a 1969 Town Plan of Development. Since that time the population has increased to over 8,000 residents. Weston has a total area of 19.9 square miles.

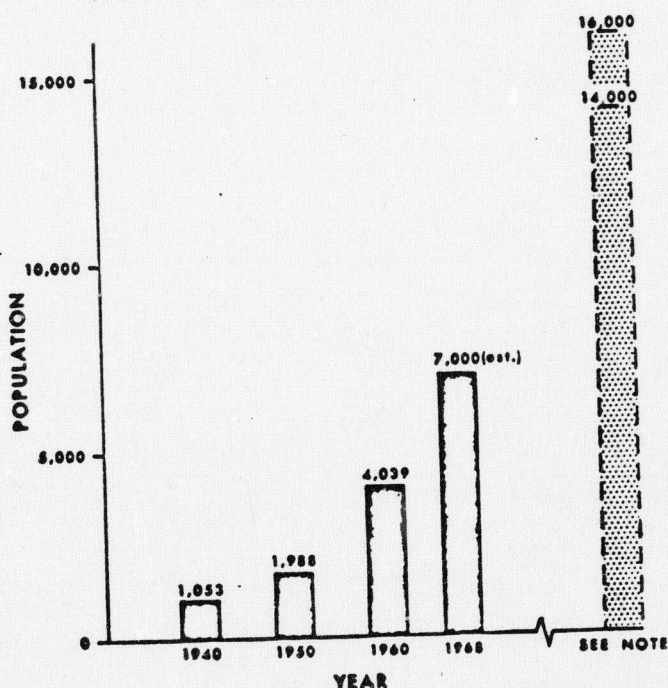
THE PEOPLE OF WESTON

GROWTH PATTERNS

In sharp contrast to the population decline during the early part of this century, Weston has experienced a spectacular growth rate since the 1930's. During the 1940's and 1950's, Weston had the highest growth rates in the South Western Planning Region. From 1940 to 1950, the population of Weston increased 88 percent, compared to a 23.6 percent increase for the South Western Region. Between 1950 and 1960, the population of Weston more than doubled, increasing 104 percent, compared with a 38.1 percent increase for the Region.¹

Various estimates indicate that Weston's present population is in the vicinity of 7,000 persons. This represents about a 75% increase in the last eight years, or a growth rate which has remained at the very high level experienced between the end of World War II and 1960. Since this means a much greater absolute increase than in the two previous decades, Weston's growth in the 1960's has been nothing short of spectacular. Although it is inevit-

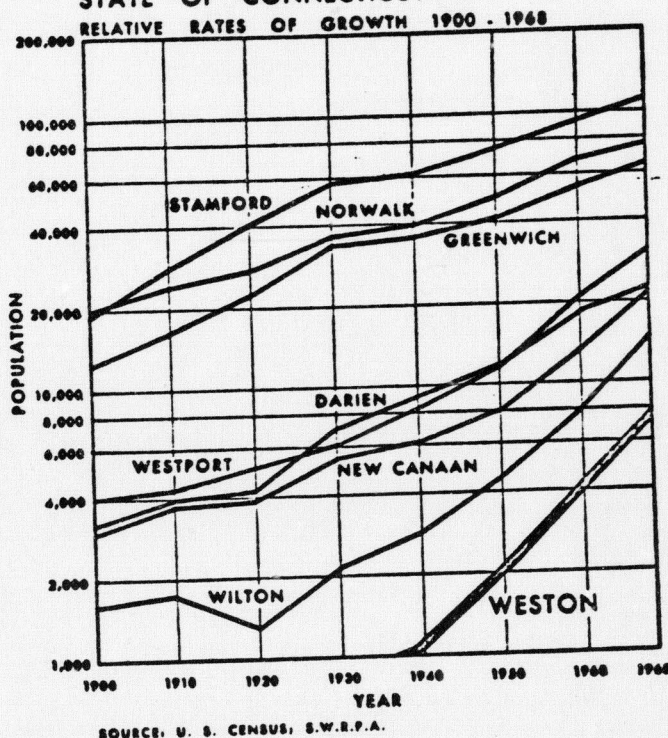
WESTON'S POPULATION GROWTH 1940 TO FULL DEVELOPMENT



NOTE: Assuming the present absolute growth rate (approximately 100 dwelling units per year), Weston will reach full development in about 20 years (by 1988). At the present percentage growth rate (approximately 5% per year), full development would occur in about 15 years (by 1983).

SOURCE: U. S. CENSUS, WESTON TOWN CLERK (1968),
P. P. CLARK ASSOC. (PROJECTION).

POPULATION TRENDS SOUTH WESTERN PLANNING REGION STATE OF CONNECTICUT



able that this rate will decrease, it is likely that the magnitude of the annual absolute increase will continue to rise for many years to come.

SOURCES OF GROWTH

In both the ten year intervals, 1940 to 1950 and 1950 to 1960, Weston experienced the greatest growth rate of all of the towns and cities comprising the South Western Planning Region.

Population growth in any given geographical area is due to either natural increase, that is, an excess of births over deaths, or to net in-migration, more people moving into the Town than those leaving it, or to both reasons.

Net in-migration has accounted for a larger proportion of the population increase in Weston than it has in any of the other municipalities comprising the South Western Planning Region. Net in-migration accounted for 89.4 percent of Weston's growth from 1940 to 1950, and 87.2 percent of the growth from 1950 to 1960. Net in-migration, however, accounted for only 59.6

1 - South Western Regional Planning Agency, "Population, Technical Report #1," undated, Page 16.

percent of the growth in the South Western Region from 1940 to 1950, and 60.7 percent of the growth between 1950 and 1960.² In general, net in-migration has accounted for a larger proportion of recent population increase in the five smaller communities in the South Western Planning Region than in the three largest cities of Greenwich, Norwalk and Stamford.

Many of the persons who are moving to the suburbs evidently find Weston very attractive. The "rural character" and the extremely low density of 202 persons per square mile in 1960 have probably contributed much to the Town's popularity, and it can be expected that past in-migration trends will continue in Weston as the New York Metropolitan Region increases in size.

POPULATION COMPOSITION

A comparison of the population distribution for Weston with that for the South Western Planning Region shows that the percentage of the Town's residents in the 15 to 34 and in the 55 and over age groups is considerably less than the corresponding figures for the South Western Region as a whole. The percentage of Weston's population in the 5 to 14 year school age group, however, is considerably larger than the average for the South Western Region. Adults, ages 30 to 49, who are the parents of school age children and, to a lesser extent, the

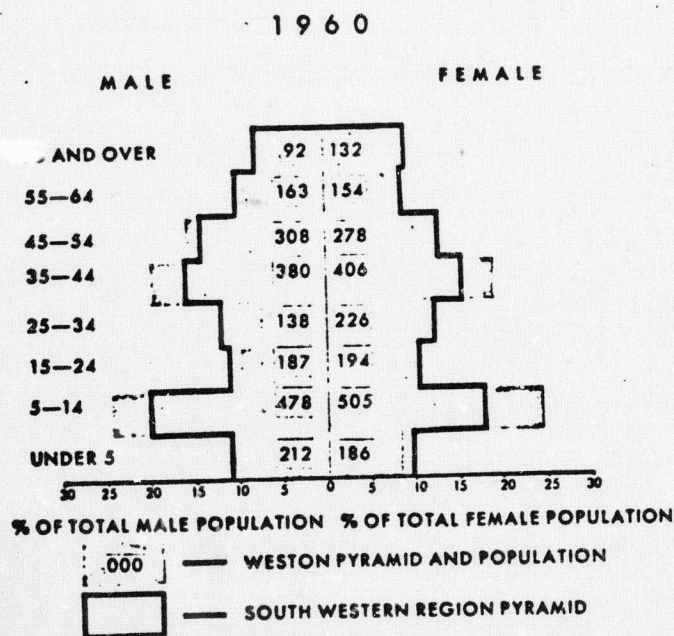
45 to 54 year age group, also account for a larger share of the Weston population than do the same age groups for the South Western Region. These population characteristics are most probably a result of economic factors, such as 2 acre zoning and transportation costs, which make Weston less feasible a residential location for young married couples, but especially attractive to families which are stable in size and headed by a wage earner who is well established in his occupation.

To some extent, the general narrowness of the 30 to 39 age groups in both the Town and Regional population distributions may be attributed to the low birth rates during the 1930's. The trend toward increasing birth rates following the Second World War is reflected in the exceedingly broad base of the population pyramid provided by the 1 to 15 year age groups.

Evident in both population distributions, but more apparent in the Weston population, is a significant excess of females over males in the 25 to 34 year age group. To a large extent, this is the result of wives being younger than their husbands. Sleep-in domestic help might also account for some of the excess.

In 1960, 42, or slightly more than 1 percent, of the 4,039 residents in Weston were non-white. Of the 1,150 households in the Town, 3 are classified as being non-white in the 1960 U.S. Census of Population.

COMPARATIVE AGE AND SEX PYRAMIDS WESTON AND SOUTH WESTERN REGION



Sources:

Population, Technical Report #1, South Western Regional Planning Agency
United States Census of the Population, 1960

HOUSEHOLD SIZE

In 1960, Weston had a total of 1,150 resident households, with an average size of 3.51 persons, according to the U.S. Census. This compared with an average household size of 3.33 persons for the South Western Region, 3.29 persons for Fairfield County, and 3.27 persons for the State.

The long-term trend in household size has been downward since at least the turn of the century, although it is slowing down as it approaches an average of three persons. One of the most important reasons for this trend has been the increasing independence of older persons due to pensions, social security and life insurance. This leads older couples and widowed persons to maintain independent households as their children grow up, causing the average household size to decrease.

Trend data for Weston with respect to household size is not available on the U.S. Census. In the case of towns which are very similar to Weston and which have already experienced the growth patterns that the Town is now involved in, however,

there has, in general, been a gradual decrease in household size. It appears likely, therefore, that household size in Weston will follow a downward trend very similar to that which exists nationally.

EMPLOYMENT CHARACTERISTICS

In a recent community survey, more than three-fourths of those employed residents who responded indicated their occupations as professional or technical, or considered themselves to be managers, proprietors, or executives. Slightly over ten percent of the respondents stated that they held sales or clerical positions, and four percent indicated that they were craftsmen or foremen. Only three percent of Weston's working residents gave their occupation as laborer or service worker, while another three percent stated that they were employed as private household workers.

Where do Westonites work? More than one-half, or 53.8%, of all employed residents work in Fairfield County. The New York City-Long Island area is the place of employment of 38.2% of the working population of the Town. Other areas of Connecticut, outside of Fairfield County, and other areas of New York State, not including New York City and Long Island, are the working places, respectively for 3.7% and 3.3% of the employed population of Weston. Only 1.0% of the employed Weston people work in states other than Connecticut and New York.

An analysis of the detailed responses to the community survey shows that those who work in Stamford, Bridgeport, Westport, and other Fairfield County centers tend to be proportionately above-average in the "professional and technical" category. Residents who work in New York City are mostly in the "manager, proprietor, executive" group, although the proportion of "technical and professional" workers is only slightly below average for the Town's working residents. Residents who work in Weston itself are proportionately higher in the clerical, sales, craftsman-foreman, laborer, service and household worker groups, although the largest single group (30.7%) of hometown workers was in the professional-technical category.

POPULATION DENSITY

In 1960, Connecticut was the fourth most densely populated state in the United States, with an average density of 518 persons per square mile. At that time, the South Western Planning Region had an overall population density of 1,337 persons per square mile.³

Weston, the outermost town within the South

Western Planning Region, had a population density of only 202 persons per square mile, less than two-thirds that of its immediate neighbor, Wilton, the next least densely settled town in the Region. Norwalk, at the same time, had the highest population density in the South Western Region, which was more than fifteen times the density of Weston.⁴ Expressed in other terms, Weston accounts for 9.7 percent of the land area of the South Western Region, but only 1.4 percent of its population.

POTENTIAL POPULATION UNDER EXISTING ZONING

An estimate of the total possible population of Weston at full development is largely a function of the zoning and development standards which will control future growth. Using a map of the Town which shows existing land use as of the end of 1967, a study was made of the maximum number of new homes that could be built on all open land available and suitable for residential development, with lots and streets meeting all current zoning and subdivision regulation requirements.

As a result of this study, it was found that there is a potential for about 2,500 additional homes within the Town. (For a detailed discussion of the method and findings, see the "Residential Development" section of this report.) If the average family size of 3.5 persons in 1960 were to continue and each house were to be occupied by only one family, these additional homes could increase the Town's population by 8,750. There are now at least 150 homes occupied only during the summer. As time passes, many of these will change to year-round occupancy. If it were assumed that almost all of these will become so occupied, the additional population would be about 500. Added to the 1967 estimated population of 6,500, the ultimate total for Weston could be about 16,000 persons.

However, there is one important complication in estimating future population growth in Weston, and that is the zoning regulation permitting two families to live in each house. No known method of estimating the likely amount of the above type of development being available, this aspect of the Town's potential population growth must be considered an open-ended matter. If it were assumed that one-quarter of the Town's total potential number of houses were to be occupied by two households with an average of two or more persons

3 - Ibid. Page 24.

4 - Ibid. Page 24.

per apartment, the Town's total population could be greater than 18,000.

Another factor affecting Weston's population at full development will be the policies adopted and actions taken by the Town to acquire or otherwise set aside areas as permanent open space. The inclusion of developable lands in this category will, of course, reduce the total number of possible new homes. In addition, land set aside for the expansion of schools and other public and semi-public facilities will further reduce this figure.

Considering together the potential for future home development, the effects of permitting two families in each house and the reservation of some developable land as open space, it is extremely difficult to project with any accuracy what Weston's population will be when it is fully developed. The total could range anywhere from 14,000 to 18,000 people. The exact figure will largely depend on what action is taken by the Town to implement the policies and recommendations included in the "Plan of Development" sections of this Town Plan. Based on the assumption that these recommendations will be substantially implemented, it is likely that Weston will reach a population of 15,000 at full development.

FUTURE GROWTH PROSPECTS

As mentioned previously, Weston is part of the "Intermediate Ring," as defined by the Regional Plan Association, of the New York Metropolitan Region. This ring has experienced the greatest

annual growth rate in the Region since 1950, and it is expected to hold this position for several years into the future. The pressures for growth in the South Western Planning Region, and in Weston, will, therefore, be considerable.

If it is assumed that Weston's current annual building rate of about 100 houses were to continue, the Town could reach its maximum development in about twenty-five years. However, many of the towns and cities in the surrounding area are getting nearer and nearer to their maximum potential population. Unless there are radical shifts in the planning and zoning policies of these towns and cities, the more undeveloped towns (those just to the north of the shoreline municipalities) will have to take a steadily increasing share of the growth as the years go by. This portends an even more rapid future population growth for Weston.

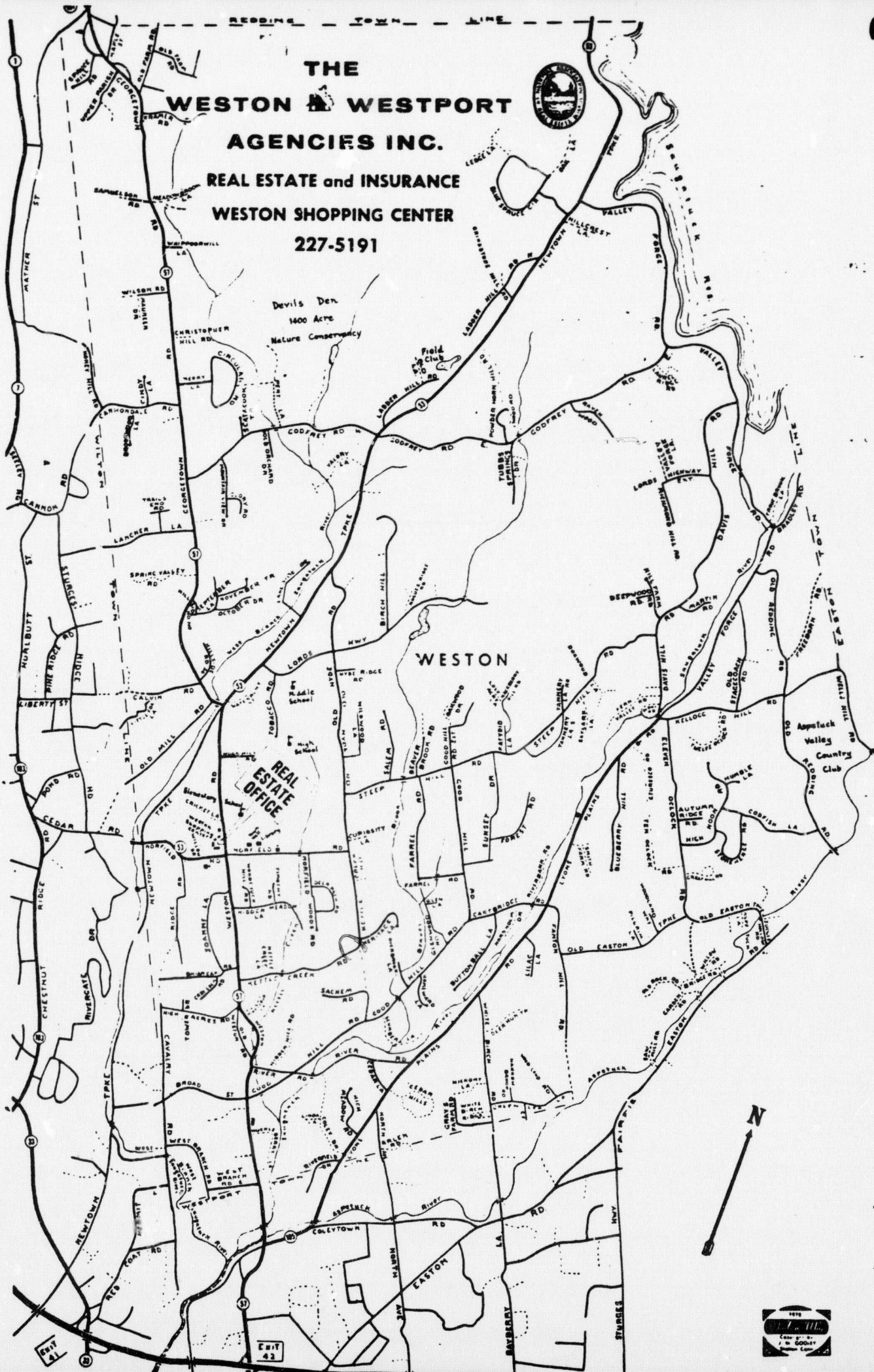
The question concerning Weston, therefore, is not if it will continue to grow until it reaches full development, but how much development there will be, when such development will occur, and what form it will take. It is not necessary for present town planning purposes, however, that ultimate population projections be precise in amount or time. It suffices to know that such growth is a reasonable expectation in the not too distant future, and is a reasonable basis upon which to plan. It should be noted, however, that future changes in the Town's zoning would have an effect on future population growth, and this aspect of Town development should be checked periodically.

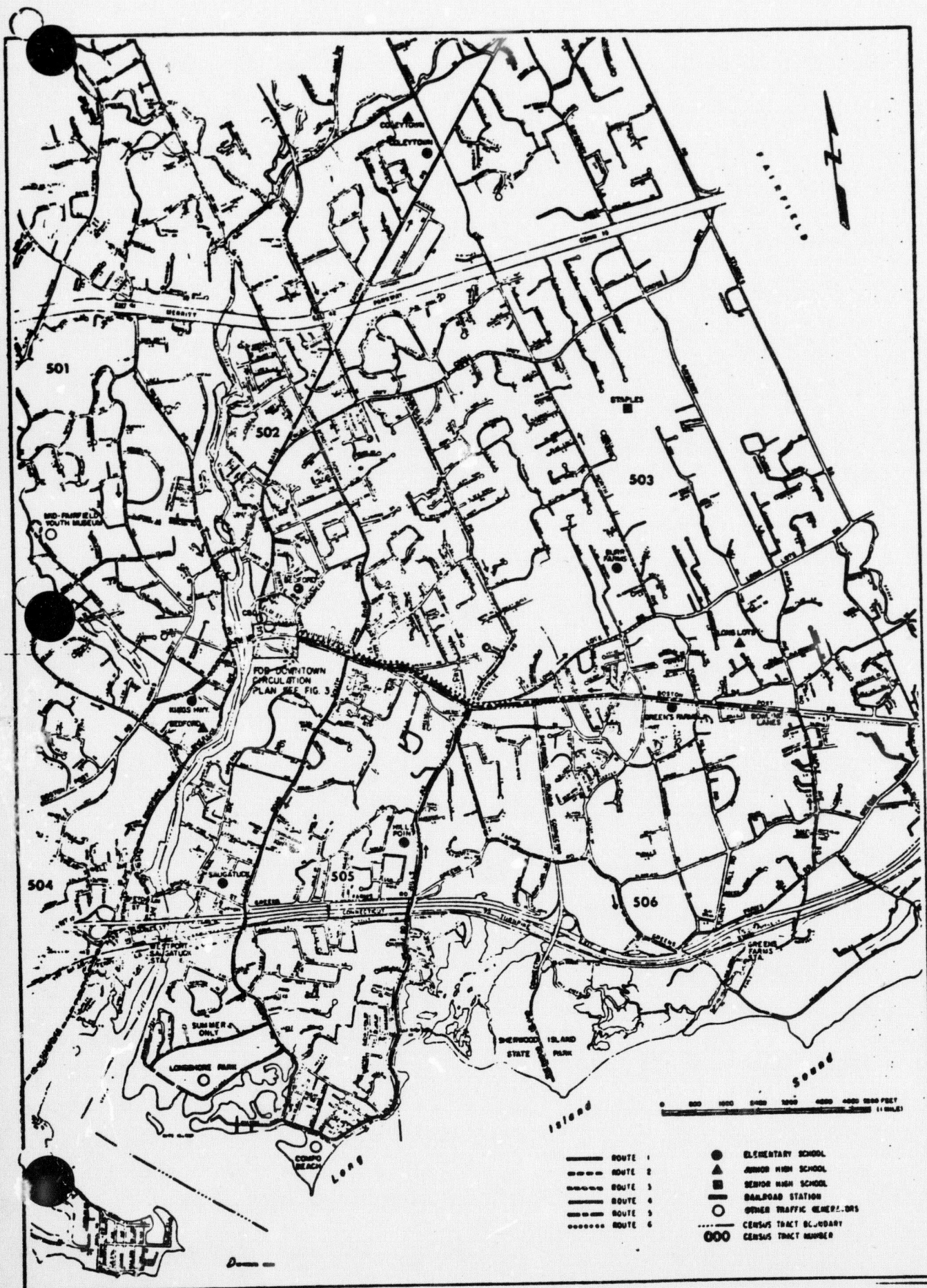
THE WESTON & WESTPORT AGENCIES INC.

REAL ESTATE and INSURANCE

WESTON SHOPPING CENTER

227-5191







FIGURE

3. Planning Considerations - As was mentioned before, the South Western Regional Planning Agency, which covers the area of Connecticut from Greenwich through Westport-Weston, is about to sign a consultant contract to undertake a regional study of transportation needs. Listed in Appendix is the Request for Proposal which was submitted to the consultants and describes the scope of work to be done under the contract. It is estimated that the study will take between Six and nine months to complete.
4. Concurrences

PART V

ASSURANCES FOR DEMONSTRATION AND SERVICE DEVELOPMENT PROJECTS

The applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements, including Office of Management and Budget Circular Nos. A-87, A-95, and A-102, as they relate to the applications, acceptance, and use of Federal funds for this Federally-assisted project. Also, the applicant gives assurance and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant and to finance and construct the proposed facilities, that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application (Authorizing Resolution and Opinion of Counsel are attached).

2. It will comply with Title VI of the Civil Rights Act of 1964 (P. L. 83-352) and in accordance with Title VI of that Act. No person in the United States shall on the grounds of race, color, sex or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in case of any transfer of such property, any transferee for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or for another purpose involving the provision of similar services or benefits (DOT Civil Rights Assurance is attached).

3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment, or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

4. It will comply with the provisions of Executive Order 11296, relating to evaluation of flood hazards; and Executive Order 11288, relating to the prevention, control, and abatement of water pollution (See Part IV, Exhibit o, of this Application).

5. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient

funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.

6. It will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the Application and approved plans and specifications; that it will submit to the appropriate Federal agency for prior approval changes that alter the costs of the project, use of space, or functional layout; that it will not enter into a construction contract for the project or undertake other activities until the conditions of the construction grant program(s) has been met.

7. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may require.

8. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State, and local agencies for the maintenance and operation of such facilities.

9. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.

10. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.

11. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is longer.

12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P. L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally-assisted programs (Title II and Title III Assurances are attached).

14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular A-102.

15. It will comply with the provisions of the Hatch Act which limits the political activity of employees.

16. It will make the certification required by section 3(d) of the Urban Mass Transportation Act of 1964, as amended (Certification attached).

17. Applicant agrees not to engage in charter bus operations in competition with private bus operation outside of the area within which it provides regularly scheduled mass transportation service. Any violation of this agreement shall bar the Applicant from receiving any other Federal financial assistance under: (1) Subsection (a) or (c) of 23 U.S.C. 142; (2) paragraph (4) of subsection (3) of 23 U.S.C. 103; or (3) the Urban Mass Transportation Act of 1964. (This assurance applies only to applications for Federal financial assistance for the purchase of buses.)

18. Applicant agrees not to engage in school bus operations, exclusively for the transportation of students and school personnel, in competition with private bus operators except in the following areas:

a. Applicant operates a school system in the area to be served and operates a separate and exclusive school bus program for this school system.

b. Private school bus operators are not able to provide adequate transportation at reasonable rates and in conformance with applicable safety standards.

c. Where a State or local public body or agency thereof (or a direct predecessor in interest from which it acquired the function of so transporting school children and personnel, along with facilities to be used therefor) was so engaged in school bus operations any time during the period from August 1972 to August 1973.

Any violation of this agreement shall bar the Applicant from receiving any other Federal assistance under: (1) Subsection (a) or (c) of 23 U.S.C. 142; (2) paragraph (4) of subsection (e) of 23 U.S.C. 103; or (3) the Urban Mass Transportation Act of 1964. (This assurance applies only to applications for Federal financial assistance for the purchase of buses.)

Resolution No. 2

Resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as Amended.

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs;

WHEREAS, it is required by the U. S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as Amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services:

NOW, THEREFORE, BE IT RESOLVED by the Westport Transit Directors

1. That Paul Green is authorized to execute and file an application on behalf of the Westport Transit District with the U. S. Department of Transportation, to aid in the financing of a Demonstration & Service Development Project.
2. That Paul Green is authorized to execute and file with such application an assurance or any other document required by the U. S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
3. That Richard Bradley, Executive Director, is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the application or the project.

4. That Paul Green is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

CERTIFICATE

The undersigned duly qualified and acting Vice Chairman of the Westport Transit District certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the Westport Transit Directors held on April 5, 1975.

John E. Meyers
Signature of Recording Officer

Vice Chairman
Title of Recording Officer

4-15-75
Date

SOUTH WESTERN REGIONAL PLANNING AGENCY
DARIEN GREENWICH NEW CANAAN NORWALK STAMFORD WESTON WESTPORT WILTON
137 ROWAYTON AVENUE, ROWAYTON, CONNECTICUT 06863 866-3543

April 15, 1975

Mr. Richard H. Bradley
Executive Director
Westport Transit District
311 East State Street
Westport, Connecticut 06880

Dear Rich:

This will respond to your letter of April 9 to me which indicates that the Westport Transit District is applying for a \$25,000 grant from UMTA for a Demonstration and Service Development Project for an integrated transportation system for the communities of Westport and Weston.

You ask for our views as to the "relationship of the project to local planning objectives". That question is best answered by the contents of our request for proposal (dated February 14, 1975) which we understand that you are enclosing with your application.

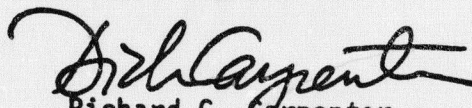
We understand from you that these funds which you seek are so-called "Section 6" funds, that no A-95 review is required and further that only operating transit systems like your own district can qualify for such a grant.

The Agency is concerned that planning funds, demonstration grants, operating subsidy and capital grants are allocated on a fair share basis among local municipalities needing and desiring such funds. As you are aware nearly all of the other municipalities in the region are also interested in some form of UMTA funding for "local" studies.

The regional and joint study described in the February 14 request for proposal should help achieve this total and comprehensive view of the region's needs.

We shall work to insure that any other local studies conducted simultaneously are not duplicative of our efforts.

Very truly yours,


Richard C. Carpenter
Planning Director

RCC:amt

BERKOWITZ AND BALBIRER, P. C.

ATTORNEYS AND COUNSELORS AT LAW • 136 MAIN STREET • P. O. BOX 808 • WESTPORT, CONN. 06880

RICHARD BERKOWITZ
ARTHUR E. BALBIRER
MICHAEL R. FRIEDMAN (CONN. B.T. & D.C. BARS)

(203) 226-1001
(203) 226-0744

April 9, 1975

Mr. Paul Green
Director, Transit District
5 Marvin Place
Westport, CT. 06880

Mr. John Myers
Co-Director, Transit District
3 Pleasant Valley Lane
Westport, CT. 06880

Dear Messrs. Green & Myers:

This letter will serve as the requisite opinion of counsel to be filed with the United States Department of Transportation in connection with the application of the Westport Transit District for financial assistance pursuant to the provisions of the Urban Mass Transportation Act of 1964 as amended for the proposed service and demonstration project proposed by the Transit District.

1. The Westport Transit District is a public body authorized to contract for and receive federal grants under the Connecticut General Statutes, Sections 7-273b through 7-273k.

2. The Westport Transit District is authorized by said General Statutes to provide and assist public transportation by acquisition, construction and operation of existing or additional transit facilities.

3. I am of the opinion that there is no legal impediment to your making application for Federal and State funds to implement this service and demonstration project in the Town of Westport on behalf of the Westport Transit District. Furthermore, as a result of my examination I find that there is no pending litigation which might in any way adversely affect the proposed project.

BERKOWITZ AND BALBIRER, P. C.

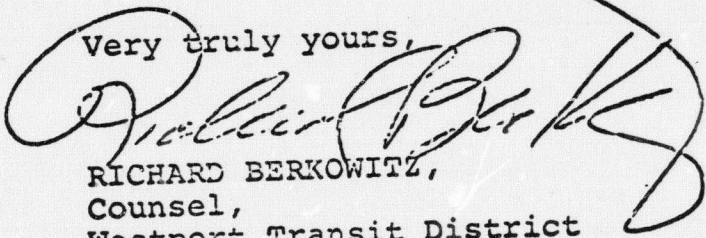
Messrs. Paul Green & John Myers

April 9, 1975

Page two

As you know, we have had one threat of a possible law suit by a certain private taxi company in Westport, which we are of the opinion is without merit or foundation and indeed, may never be brought. We don't consider that even in the event such litigation were commenced, that it might result in an adverse effect upon the project.

Very truly yours,



RICHARD BERKOWITZ,
Counsel,
Westport Transit District

RB/lsg

ASSURANCE OF COMPLIANCE WITH
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
(DEPARTMENT OF TRANSPORTATION)

The Westport Transit District (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Urban Mass Transportation Administration (UMTA), and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(1)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the project:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with a project under the Urban Mass Transportation Act of 1964, as amended (the UMTA Act) and, in adapted form in all proposals for negotiated agreements:

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex or national origin in consider-

tion for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
7. That where the Recipient receives Federal financial assistance to carry out a program of managerial training under section 10(a) of the Urban Mass Transportation Act of 1964, as amended, the assurance shall obligate the recipient to make selection of the trainee or fellow without regard to race, color, sex, or national origin.
8. That where the Recipient receives Federal financial assistance to carry out a program under the Urban Mass Transportation Act of 1964, as amended, the assurance shall obligate the recipient to assign transit operators and to furnish transit operators for charter purposes without regard to race, color, sex or national origin.
9. That where the Recipient receives Federal financial assistance to carry out a program under the Urban Mass Transportation Act of 1964, as amended, routing scheduling, quality of service, frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, sex or national origin.
10. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other

parties: (a) for the subsequent transfer of real property acquired or improved under CT-06-0007; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under CT-06-0007.

11. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the project, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
12. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
13. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, and Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under Federal Urban Mass Transportation Programs and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Urban Mass Transportation Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

DATE

7-15-75

]

Westport Transit District
(Recipient)

Paul R. Green

(Signature of Authorized Official)

Attachments

Appendices A, B, and C

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex or national origin.
- (4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Urban Mass Transportation Administration (UMTA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information is required or a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Recipient, or the Urban Mass Transportation, as appropriate, and shall set forth what efforts it has made to obtain the information.

- (5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Recipient shall impose such contract sanctions as it or the Urban Mass Transportation Administration may determine to be appropriate, including, but not limited to:
- (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) Cancellation, termination or suspension of the contract, in whole or in part.
- (6) Incorporation of Provisions: The contractor shall include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Recipient or the Urban Mass Transportation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the interests of the Recipient, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

- A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Recipient will accept title to the lands and maintain the project constructed thereon, in accordance with the Urban Mass Transportation Act of 1964, as amended, the Regulations for the Administration of Federal Urban Mass Transportation Programs and the policies and procedures prescribed by the Urban Mass Transportation Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the Provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Westport Transit District all the right, title, and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HEBENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Westport Transit District and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein-contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Westport Transit District, its successors and assigns.

The Westport Transit District, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such land hereby conveyed (,) (and)* (2) that the Westport Transit District shall use the lands and interests in

lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Recipient pursuant to the provisions of Assurance 10(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964; and as said Regulations may be amended.

(Include in licenses, leases, permits, etc)*

That in the event of breach of any of the above nondiscrimination covenants, (Westport Transit District shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, Westport Transit District shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Westport Transit District and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Westport Transit District pursuant to the provisions of Assurance 10(b)

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases, add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be otherwise subjected to discrim-

ination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, Westport Transit District shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, Westport Transit District shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Westport Transit District and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

SOUTH WESTERN REGIONAL PLANNING AGENCY

137 Rowayton Avenue

Rowayton, Connecticut 06853

December 17, 1974

PRELIMINARY DRAFT

REQUEST FOR PROPOSAL

SOUTH WESTERN REGION MASS TRANSIT STUDY

The South Western Regional Planning Agency has entered into an agreement with the Tri-State Regional Planning Commission to undertake a continuing Comprehensive Transportation Planning Program for the South Western Region. The funds for this program come from both the Urban Mass Transit Administration and the Federal Highway Administration at the Federal level and the Connecticut Department of Transportation at the State level. The local share is provided by this Agency, which is, in turn, supported by its seven member municipalities: Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, and Westport.

A major part of this year's program is a special project, the South Western Region Mass Transit Study. This request for proposal has been prepared for the purpose of sending out requests to consulting firms for proposals for the scope of services to be performed in undertaking this technical study.

The money available for the study totals \$25,000.

The South Western Regional Mass Transit Technical Coordination Committee, which is being established for the Agency's mass transportation program, will provide for technical coordination between the Agency staff, Local government and the consultant. The contract period for the study will be five months. The official composition and role of this technical coordinating Committee is described below under Conduct of Study.

All proposals should include an outline of the scope of services to be performed and completed contract proposal as presented in the attached "Guidelines for Contract Negotiations."

What we expect from the consultant we choose is described in three parts: Scope of Work, Conduct of Study, and Results.

SCOPE OF WORK

Objective The objective of this study is to develop a short range (five year) transit development program for the South Western Region.

Scope of Work Using an inventory of existing public transit service including local bus and mini-bus operators, taxi cab companies, demand response systems, and school bus service, which inventory shall have been prepared by the regional staff, with the assistance of the municipalities, and using recently prepared transit feasibility studies in Norwalk, Stamford and Westport, the consultant shall:

1. Determine the needs for a system of public transit in the South Western Region, with special emphasis on the needs for the transit - dependent segments of the population, such as the young, the elderly, the handicapped, and the economically disadvantaged.
2. Evaluate the adequacy of existing transit service in fulfilling these needs and assess the performance of the present transit system.
3. Formulate alternative recommendations for the transit system including specific routes, scheduling, fares, transfer points, equipment, facilities including garage and maintenance facilities, management, operations, and alternatives to the traditional local bus service.
4. Evaluate the proposed system on a route basis in terms of estimated patronage and fulfillment of identified transit needs, revenues, and operating costs.
5. Formulate alternative management options concerning policy and cost sharing.
6. Determine overall improvement costs and identify funding sources.
7. Establish priorities for the implementation of transit proposals.
8. Coordinate work with South Western regional transportation program, participating municipalities and state transit management district activities.

AREAS OF SPECIAL EMPHASIS

It is desired that a regional system be identified that satisfies intermunicipal and interregional transit needs including:

1. Center to center service
2. Service to regional facilities
3. Service to major employment areas
4. Service complementing and coordinating with rail service, (both commuter and intercity).

It is desired that recommendations for intra-town systems be identified in the following municipalities after coordination and consultation with local officials in each town of Darien, Greenwich and New Canaan.

CONDUCT OF STUDY

Composition and role of technical coordinating committee The composition of the technical coordinating committee shall be:

- a) The officially appointed representative of each Chief Elected Official in the region of those municipalities that decide to participate.
- b) A representative of the regional planning agency (sponsor)
- c) A representative of the Tri-State Regional Planning Commission
- d) A representative of the Connecticut Department of Transportation

The committee will provide for technical coordination between the Agency staff, Local Government, and the consultant.

Additional persons, representing existing transit districts, areawide agency on aging and other specific groups, who in the opinion of the technical coordinating committee should be consulted.

Final decisions on contract and policy matters pertaining to the study will be made by the South Western Regional Planning Agency after recommendation by the officially appointed technical coordinating committee.

Coordination and Consultation

The consultant will coordinate with, and consult with local, regional, and State officials as specified by the Committee at frequent intervals throughout the study.

Priority of Services

The needs of the seven member municipalities will have priority, since the very existence of the Agency is based on their annual voluntary financial contributions.

RESULTS OF STUDY

Conformance with UMTA Requirements

It is desired that the results of this study be such as to provide UMTA officials with a fully adequate basis upon which to make judgments concerning any subsequent capital grant application or applications.

Separability for Local Use

It is desired that the format of the report be such that portions may be separated to facilitate individual use by participating towns.

Basis for Capital Grant Applications

It is desired that this study be fully sufficient to form the basis for local, intertown, or state capital grant applications.

TRANSIT DISTRICT PROCEDURE

Information Needed for Feasibility Studies

- 1) Information on taxis.
 - Fare
 - Average number of daily riders
 - Number of vehicles
 - Areas most frequently serviced
- 2) Information on bus service.
- 3) School Statistics.
- 4) Up-to-date traffic counts.
- 5) Parking Information.
 - Number of spaces and type of parking (i.e. commuter, on-street, off-street;
 - Plans for Expansion of parking and costs
 - Number of cars using parking facilities in Central Business District and duration.
- 6) Information on travel times on main roads.
- 7) New business construction planned or proposed.
- 8) List of traffic generators.
- 9) Local programs for the elderly.
- 10) Local medical facilities, travel demands generated by them, and modes presently used.
- 11) Generalized description of bus service needed in the community for the following:
 - Elderly
 - Disadvantaged
 - Handicapped
 - Commuters
 - School Children
 - Shoppers
 - Domestic
 - Inter-town (which towns?)

cc: C T6 UMTA File Demo File -UTP-30
Fish/bps 4/22/75 Futrell Fisher

DR. Douglas Carroll
REGION I-MKAL

Mr. Richard H. Bradley
Executive Director
Westport Transit District
311 East State Street
Westport, Connecticut 06880

JUL 22 1975

Dear Mr. Bradley:

I am pleased to inform you that your application on behalf of the Westport Transit District for a Federal grant of \$25,000 to assist in planning the integration of taxi service into the existing bus service has been approved.

The purpose of this grant is to study existing bus and taxi service in the Westport area with the objective of defining an approach for integrating these two operations. Depending on the outcome of the study, it is possible that an actual demonstration of the integrated approach will follow to test and evaluate the operational feasibility. The study will include the Town of Weston as well as Westport.

Enclosed are two (2) copies of the Urban Mass Transportation Administration External Operating Manual, which covers reporting requirements and other essential management considerations and copies of forms required for project input into the Urban Mass Transportation Administration Management Account and Control System. Instructions for completing these forms are included.

Also enclosed are five (5) counterparts of an Offer of Contractual Assistance executed on behalf of this Administration. Although your funding request has been approved and costs can be incurred as of the effective date, reimbursement cannot occur until this contract is executed.

CONCURRENCES	
RTG. SYMBOL	UTP-30
INITIALS/SIG.	<i>Fish</i>
DATE	4-24-75
RTG. SYMBOL	UTP 30
INITIALS/SIG.	<i>MF</i>
DATE	4/28/75
RTG. SYMBOL	UPT-1
INITIALS/SIG.	CPT/mok
DATE	4-29-75
RTG. SYMBOL	VCC
INITIALS/SIG.	<i>Mark</i>
DATE	
RTG. SYMBOL	UAD-1
INITIALS/SIG.	<i>WJ</i>
DATE	
RTG. SYMBOL	UTP-1
INITIALS/SIG.	<i>WJ</i>
DATE	6/23/75
RTG. SYMBOL	
INITIALS/SIG.	
DATE	
RTG. SYMBOL	
INITIALS/SIG.	
DATE	

VCC
6/10/75
WMD

-2-

The aforementioned counterparts should be executed in accordance with appropriate proceedings of your agency and certified by your attorney within sixty (60) days of the date of this letter. In the event that your attorney is unable to make the certification because of pending legislation or litigation which might affect the carrying out of the project, a concise description of the reasons should be forwarded to UMTA. Three copies of the executed counterparts and two certified copies of the authorizing proceedings should be returned to this Administration within sixty (60) days of the date appearing on this letter of transmittal. In the event the counterparts cannot be returned within the sixty (60) day period, this Administration should be immediately notified by letter setting forth the reason for the delay and requesting an extension of the offer.

Our representative for liaison with your staff is Mr. Paul Fish who can be contacted at (202) 426-4984.

Sincerely,

Frank C. Herringer

CONCURRENCES
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UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION

DATE: JUN 23 1975

In reply
refer to:

SUBJECT: Westport, Connecticut Integrated
Taxi Fixed-Route Bus Service

FROM : Associate Administrator
for Transit Planning

Program Code:
34.07.03

TO : Administrator

Re: CT-06-0007

1. Grantee

Westport Transit District
311 East State Street
Westport, Connecticut 06880

2. Objective

This project directly impacts on UMTA's goal of increasing transit coverage. The immediate objective of this project is to study the existing transit facilities in the Westport area to define an approach for integrating bus and taxi service.

The project will serve as the planning phase for a future service and methods demonstrations project in Westport and Weston. The project will focus on the complete integration of bus, taxi, and commuter rail services developed to provide the optimum mix of services for transit users. The available options may include premium ride taxi, shared-ride taxi, dial-a-ride bus and fixed-route bus service as well as the commuter rail service.

3. Project Description

The Westport Transit District was organized in Westport, Connecticut (population 28,000) in 1969. With the aid of an UMTA technical study grant (\$5,000) and a capital grant (\$302,000), the Transit District began fixed-route bus service in August 1974 with eight 16-passenger buses serving seven routes. The buses provide service coordinated with the morning and evening commuter rail as well as regular service on the seven routes.

Since the beginning of the service, ridership has increased dramatically, far exceeding projections. However, the seven routes do not provide complete coverage to Westport and operate only from 7:45 a.m. to 5:30 p.m. In addition, the routes do not serve the neighboring town of Weston. Thus, the Transit District has begun to explore means of improving transit service to the Westport-Weston area.

This project would focus on four major issues - all looking forward to the development of a demonstration of an integrated taxi fixed-route bus system. The first area would be an evaluation of existing bus and taxi service in the Westport area. The study will also examine the current systems as they relate to the commuter rail service.

A second facet of the project will study means of integrating the bus and taxi system, and in addition will examine the feasibility of shared-ride taxis and dial-a-ride bus service. The study will address the appropriate mix of service and type of vehicle for the various geographic areas and for time-of-day and day-of-week. By integrating the bus and taxi services, the Transit District feels that economies can be realized which would benefit both operations. The probable impact of an integrated system on the privately owned taxi companies would be assessed by the study.

The study will also examine the feasibility of integration of fares for the various components of the system. The system currently uses a pre-paid pass as well as a single-ride fare. This form of payment would also be explored as a method of payment for integrated bus-taxi service.

A third component of the study will examine the optimum type of service for the Town of Weston. Although Weston (population 8,000) is served by taxis, the seven bus routes provide no service. Weston residents generate a large number of automobile trips to Westport primarily for shopping, entertainment and access to the commuter rail station in Westport. The study will examine alternate means of providing coverage to Weston, integrated with the Westport system.

-3-

The fourth aspect of the project will be a study of other elements which might appropriately be included in the transit system, such as package delivery service, etc.

4. Budget

UMTA will provide 100 percent funding for the project in the amount of \$25,000.

Related Funding:

1971 Technical Study Grant \$ 5,000

1974 Capital Grant
(Buses & Related Equipment) \$302,000

5. Schedule

The project duration will be six months and will include solicitation by the Westport Transit District of a consultant to perform the study. The consultant will provide the Transit District with a final report documenting its recommendation for an integrated transit system.

6. Legal Determination

The Office of the Chief Counsel finds the proposed project is authorized under Section 6 of the Act, and that the applicant is legally acceptable as a grantee.

7. Labor Determination

No labor determination is required since operations are not a part of this project.

8. Environmental Impact

In accordance with the National Environmental Policy Act of 1969 and the implementing directives, it is determined that the proposed grant will not have a significant impact on the quality of the environment.

9. Recommendation

I recommend that you approve this project and have reserved \$25,000 as the UMTA share. I also recommend that you find that this project will assist in the improvement of urban mass transportation service and the contribution of such service toward meeting total urban transportation needs of minimum cost.

Robert H. McManus
Robert H. McManus

Attachments

I have made a fund reservation in the amount of \$25,000 for this project.

for Allison M. Kirby
Willie F. Scroggins

Approved: *Frank C. Herringer*

Frank C. Herringer

Date: 6/26/75

Approved Project Budget

CT-06-0007
Westport Transit District
Westport, Ct.

<u>BUDGET CODE</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
82.64	\$25,000	Funds in this line item will be used to obtain a consultant to perform the study indicated in the project grant application.

Funds Disbursement: FY 1976 (First Quarter)- \$25,000.

Approved:



Date:

28 Apr 75

Ronald J. Fisher
Director, Service and
Methods Demonstrations
Division, Office of
Transit Planning

CT-06-0007

WESTPORT TRANSIT DISTRICT

WESTPORT, CONNECTICUT

STATEMENT OF WORK

The Public Body agrees to undertake, carry out, and complete the project described in its application filed with, and approved by, the Government, and herewith incorporated by reference, and in accordance with the terms and conditions of this contract. The purpose of this project is to study the existing transit situation in Westport and Weston, Connecticut to examine the possibility of integrating the existing service including fixed-route bus, taxi and commuter rail. A plan will be developed for the implementation of the most feasible methods of improving transit coverage to these communities.

In addition to the tasks detailed in the Public Body's application, the following conditions should be agreed to:

- In issuing a Request for Proposal (RFP) to obtain a contractor to perform the work under the project, the Public Body will adhere to all requirements in the Urban Mass Transportation Administration External Operating Manual. Before issuing the RFP the Public Body will submit it to the UMTA Project Manager for Concurrence.
- A draft of the final report should be submitted to the UMTA Project Manager for concurrence four (4) weeks prior to the termination date of the project.

-2-

- All work under this project will be completed no later than six (6) months following the date of execution of this contract.

B-56

U.S. DEPARTMENT OF LABOR
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON

JUN 9 1975

Mr. Frank C. Herringer
Urban Mass Transportation Administrator
U. S. Department of Transportation
Washington, D. C. 20590

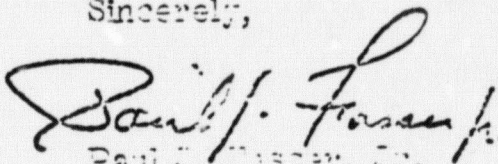
Re: UMTA Application
Westport Transit District
Demonstration grant to study
and plan the role of an integrated
transit system.
(CT-66-CC07)

Dear Mr. Herringer:

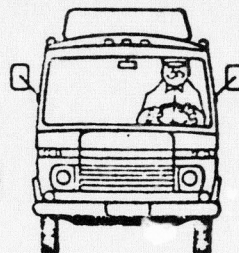
This is in reply to the request from your office that we review the above captioned application for a grant under the Urban Mass Transportation Act of 1964, as amended.

Our review of the proposed project discloses that it consists solely of the study and planning of the role of paratransit services in an integrated transportation system and does not include any operating aspects. As such, there is no need for Section 18(c) employee protections and we have no objection to your making the grant on the basis of the information set forth in the application dated April 11, 1975. However, at such time as the above captioned project or any future project filed by the District for an integrated transportation system takes on operational aspects, the Department of Labor requests that it be afforded prior notice of such undertaking so that affected employees may be afforded fair and equitable protections, as determined by the Secretary of Labor, pursuant to Section 18(c) of the Urban Mass Transportation Act of 1964, as amended.

Sincerely,


Paul J. Fisser, Jr.
Assistant Secretary of Labor

cc: Theodore Munter, UMTA



311 East State Street
Westport, Conn. 06880
Information 226-7171
Office 226-0422

SUMMARY
of
PLAN FOR A SERVICE AND METHODS DEMONSTRATION
OF INTEGRATED CONVENTIONAL
TRANSIT AND PARA-TRANSIT SERVICES
IN WESTPORT AND WESTON, CONNECTICUT

Prepared By: ECI Systems, Inc.
1050 Massachusetts Avenue
Cambridge, Massachusetts 02138

Prepared For: The Westport Transit District
311 East State Street
Westport, Connecticut 06880

A Summary of the Plan for Para-Transit Services

1. Brief History

In April 1975 the Westport Transit District submitted an application for \$25,000 to the Urban Mass Transportation Administration Service & Methods Demonstration Division to develop a plan for integrating conventional transit with para-transit services in Westport and Weston, Connecticut. This particular division of UMTA to which the Transit District applied for funds has the responsibility of developing innovative techniques to make better use of existing forms of transit through exemplary demonstrations. In its application the Transit District stated that "It is the belief of the Westport Transit District that a unified system of service, including premium-ride taxi, shared-ride taxi, subscription service, demand-activated bus service, integrating the equipment and services of both the taxi and bus operations, coordinated with both the Penn Central commuter service and the intercity coach service could have a significant impact in meeting the needs in our communities and substantially increasing ridership. Further, it believes that the successful integration of these services would provide a useful model for other parts of the country."

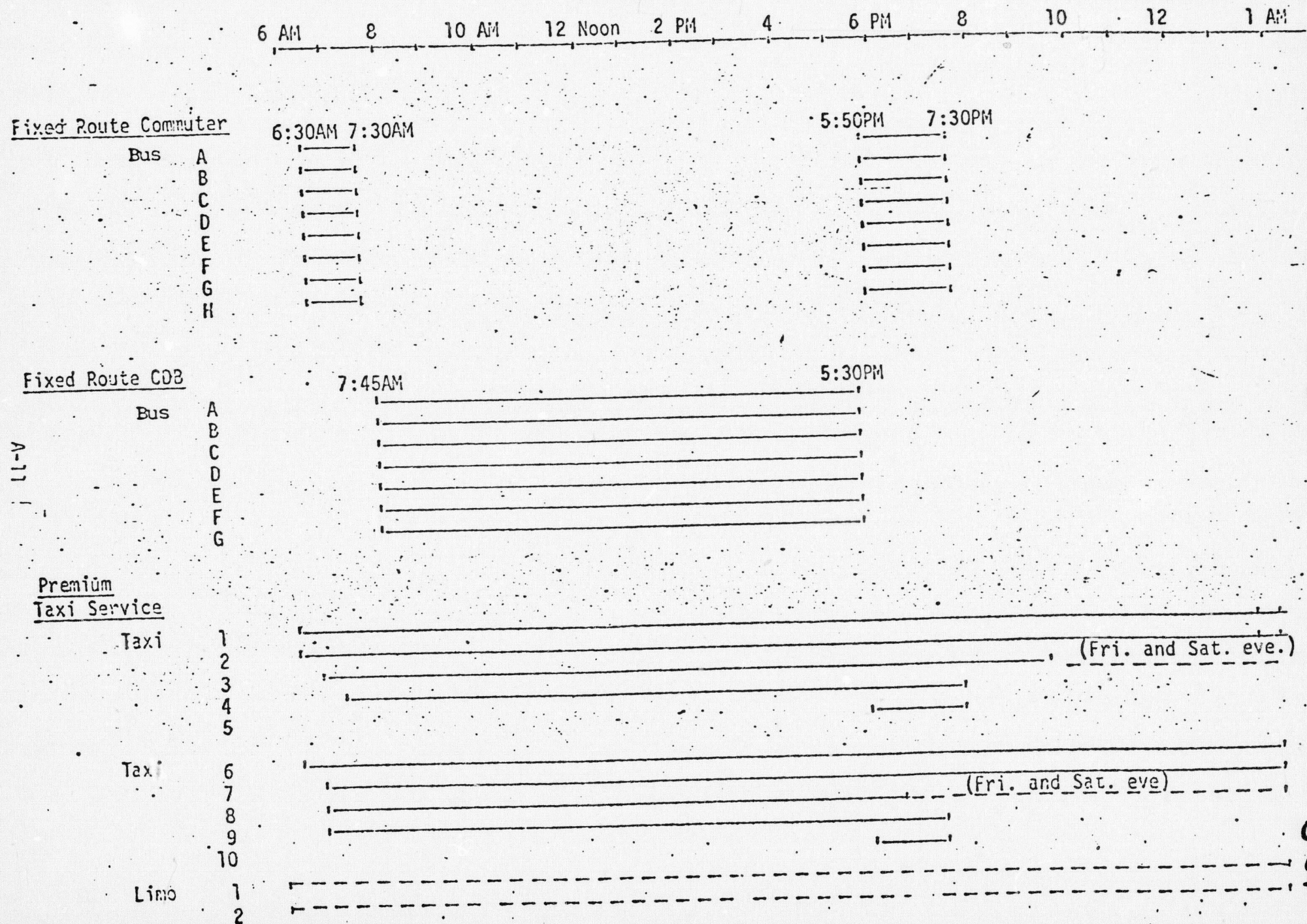
At the present time, the Westport Transit District operates a total of nine vehicles and provides two kinds of fixed-route transit service -- an eight-route commuter service to the railroad station meeting inbound trains to New York City in the morning and outbound in the evening, and a seven-route system operating throughout the daytime pulsing in and out of the central business district. In total, approximately 2,300 people board buses daily. There are two taxi operators, each operating approximately five to six vehicles from 6:00 a.m. to 1:00 a.m. carrying an average total of 225 passengers daily. See Figure A.

In June the project was approved with the understanding that the final plan could lead to an application for funds to undertake the actual demonstration project if a plan successfully met the objectives of the District, the State DOT, and UMTA. In August ECI Systems Inc. of Cambridge, Massachusetts, was selected as the consulting firm to carry out the study. The following is a summary of the plan developed by ECI.

2. An Analysis of Needs

In its preliminary analysis of the need for new transit services, the consulting firm conducted a survey of the existing services and undertook numerous surveys to identify potential demand. As a result of this analysis it indicated that there were five large markets in need of improved service in Westport --

FIGURE A EXISTING WEDNESDAY SERVICES



- a. Expanded service hours for normal daytime transit operations;
- b. Expanded service for employees in downtown Westport;
- c. Expanded service for commuters at the rail station;
- d. Expanded services for specialized markets;
- e. Improved capabilities and efficiencies for markets using taxi services.

Additionally, the transit needs in Weston, specifically those of the commuter, the elderly, and the young, were detailed.

3. Recommended Service Plan

The new plan composed by ECI would include --

- a. Services to Weston, Connecticut -- The service to Weston would consist of a new fixed-route linking Weston center and the Westport central business district in the daytime and railroad station at commuter times. The daytime route could be phased into the normal thirty-five-minute headways of the existing fixed-route service presently operated by the District in Westport. Additionally, a four-vehicle route-deviation service will be operated in Weston providing a circulation service throughout the community and feeding both Weston center and the fixed-route vehicle operating between there and Westport center. The feeder service would most likely operate between the hours of two and seven-thirty on weekdays and all day on Saturdays and holidays. See Figure B.
- b. Supplementary Fixed-Route Services -- Under the plan the Westport Transit District would provide an additional 11,000 annual hours of fixed-route services. This would allow the District to provide in Westport double the number of commuter trains served in the morning as well as to expand the coverage area. Beyond this, it would provide two additional service hours on the daytime service routes later into the evening to serve the center of Westport.
- c. Shared-Ride Taxi -- A fully integrated taxi service will be offered to include premium-ride, shared-ride and small package delivery services within the town. These taxi services would be restructured through the use of a single dispatch center and a total of four to six new twelve-passenger vans would be used to provide the service. Ride-sharing, in which passengers are grouped, will be the basic service mode with the average cost per trip expected to be approximately \$2 a ride as compared to the present average

of \$2.40. Premium service or single-rider service will be available for an additional flat surcharge. The shared-ride taxi service will be used to provide complementary service for the fixed-route system at times of low demand. Persons holding annual passes will be eligible for discount fares at certain times of the day and at certain locations. Railroad commuters, for example, will be allowed to use the shared-ride taxi service for a flat fee of \$1 after 7:30 p.m. Similarly, all passholders will be eligible for a \$1 flat fare on Friday and Saturday evenings.

- d. Special Markets Services -- Advance-request demand-responsive services will be available for elderly and handicapped and for special groups such as day-care centers who wish to subscribe for special services.
- e. Car-Pooling and Van-Pooling Matching -- Car-pooling will be promoted as a part of the overall public information program. Technical assistance will be provided to downtown employees to organize car-pooling programs. Additional assistance for the implementation of van-pooling programs will be provided to major employee centers in the community.

These services are outlined in Figure C.

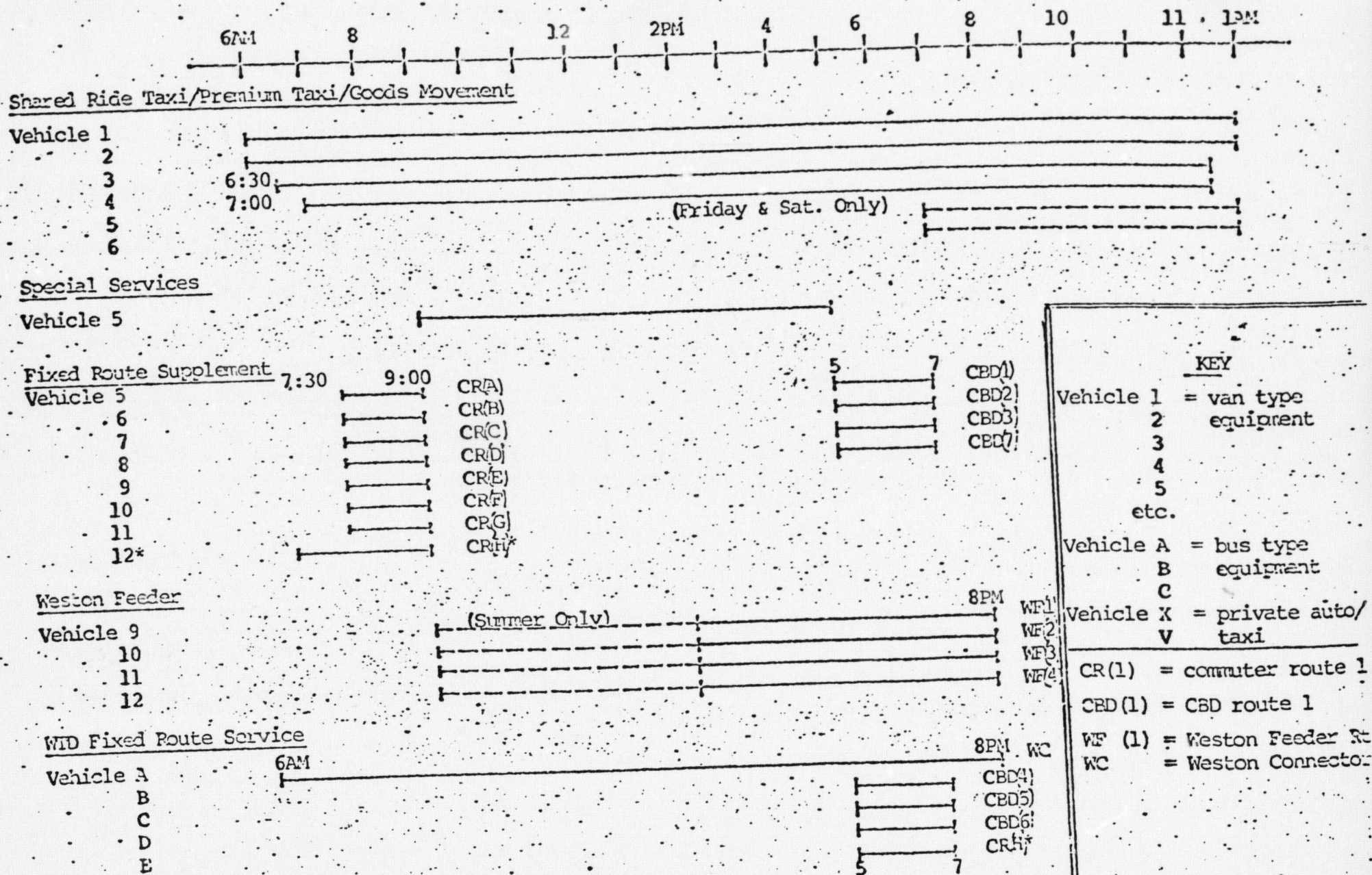
4. Integration of Existing Services and Service-Providers

Although the expansion of service is a significant new development the most important new element of this plan will be the integration of conventional transit services provided by the District and new para-transit services provided by the two taxi operators, as well as the out-of-town livery and limousine service and rent-a-car services which the taxi operators will continue to provide. It will bring a multitude of services into a single overall management system and provide a broad range of transit options for individuals as an alternative to private automobile ownership.

It is expected that the major portion of new services will be contracted with these taxi operators. However, in order to achieve the most effective and cost-efficient way of implementing these services, the Transit District will invite the taxi operator to form a single entity presently called "a transportation company" with whom the District will contract in the following manner:

A contract will be executed with the newly-created "Private Transportation Company" (or the successful bidder, if such a company cannot be formed) to provide personnel, supervisory and management functions for the following system elements:

FIGURE C
NEW SERVICES TO BE IMPLEMENTED - DEMONSTRATION



* New Saugatuck Shores Commuter Route.

- a. Shared-ride/premium-ride taxi service, goods movement service and special market service;
- b. Specified supplementary fixed-route services;
- c. Weston feeder service;
- d. Control room and dispatching services for the above-named services, plus all fixed-route services provided directly by the Westport Transit District.

The contract will be negotiated on a cost-plus fixed management fee, with an additional bonus profit incentive for efficient operation of the shared-ride/premium-ride taxi service. This profit incentive will be based on passengers carried and will be directly tied to system productivity levels. The minimum service levels which will be specified, combined with the profit incentive, will serve to stimulate the private operator to provide the most efficient service possible. Under this contract, all revenues generated from these services would belong to the Westport Transit District.

A crucial element to accomplish this integration will be the utilization of a single control center under contract with the taxi operators which will dispatch and monitor the operations of all transportation services offered in the communities of Westport and Weston.

The control center would be responsible for all communications and dispatching for the following services offered directly by, or under contract by, the Westport Transit District:

- a. Fixed-route bus services (operated by the WTD);
- b. Supplementary fixed-route services (operated by the WTD and a private contractor);
- c. Shared-ride taxi, premium-ride taxi, goods movement and special markets services (operated by private contractor);
- d. Car-pooling information brokerage.

In addition, three privately owned and operated transportation services could contract with the Westport Transit District to provide control room functions for their operations:

1. Limousine and out-of-town livery services;
2. Rent-a-car services; and
3. School bus operations.

The maintenance of new equipment to be used in these services will be subcontracted to the local school bus operator who presently maintains all of the Transit District's equipment.

TABLE I

SUMMARY OF ESTIMATED DEMONSTRATION PROJECT GROSS COSTS & REVENUES

	<u>FY 76-77</u>	<u>FY 77-78*</u>	<u>FY 78-79*</u>
I. Non-Capital Demonstration Costs			
A. Operating Costs	\$297,116	\$412,234	\$445,213
B. Control Room Costs	44,158	58,715	63,412
C. System Management Fees	20,000	25,920	27,994
D. Demonstration Administration Costs	96,400	77,652	29,120
E. Contingencies	<u>36,127</u>	<u>49,687</u>	<u>-</u>
TOTAL:	\$493,801	\$624,208	\$565,739
II. A. Project Revenues:			
Pass Sales Weston	\$ 28,140	\$ 48,000	\$ 54,000
Pass Sales Westport	32,250	48,000	55,250
Shared-Ride Taxi Revenues	127,685	182,500	246,375
Miscellaneous Revenues	<u>3,000</u>	<u>5,000</u>	<u>7,000</u>
TOTAL:	\$191,075	\$283,500	\$362,625
B. Subsidy Assistance:			
UMTA	\$195,722	\$221,460	
Connecticut DOT	76,432	85,177	
Westport Transit District	<u>30,572</u>	<u>34,071</u>	
TOTAL:	\$302,726	\$340,708	
TOTAL Revenues & Subsidy	\$493,801	\$624,208	

*8% inflation factor applied

5. Estimated Project Costs and Revenues

The costs for the operation are broken out by various major categories. They include the operating costs which include all expenses of operating and maintaining the vehicles and staffing the service with personnel; the control room costs; the system management fees; the demonstration administration costs which include expenses for items such as a special project manager who will have a major responsibility of evaluating and reporting on the project; and contingencies which are necessary in a demonstration project where certain cost elements are unforeseen.

The revenues would come from three major sources -- pass sales in Westport and in Weston and taxi revenues. In Weston it is projected that 1200 annual passes would be sold averaging \$35 in the first year, \$40 in the second year and \$45 in the third. The initial proposed pass schedule will be as follows:

Single Adult Pass:

Regular	\$45
Commuter	\$85

Single Child's Pass	\$35
---------------------	------

Family Passes:

Husband and Wife (regular)	\$75
Husband and Wife (regular and commuter)	\$105
Each Additional Child	\$30

In Westport it is proposed that pass revenues would come from adding a \$5 surcharge to the existing fares charged to the 5,000 annual passholders and by charging an additional \$40 to the commuters.

The revenues from taxi services are based on achieving an average fare of \$2 per passenger. This is less than the existing revenue per passenger and will be considerably less in the new system in which tipping will not be accepted.

The costs and revenues are projected out over a three-year period of time in order to present the impact at the end of the first two years which will be the maximum length for participation with demonstration funding. In fact the actual project in terms of service will be approximately twenty months consisting of eight months in the first year and twelve months in the second.

The additional financial support over and above the revenues will come primarily from UMTA and will also consist of participation

on the part of the Connecticut Department of Transportation and the Westport Transit District. These latter two bodies will contribute approximately thirty-five per cent of the subsidy needs. A portion of the money required for the demonstration project will be reallocated from the existing contracts between the District and the State DOT for provision of services. The Town of Weston, Connecticut, will be asked to contribute approximately \$21,000 in the first year and between \$25,000 and \$30,000 in the second year. It is not expected that additional money will be required from Westport other than that which will be reallocated.

The third-year budgets do not show subsidy assistance because the UMTA demonstration funds are available for the first two years. It is important to note that there is a decrease in overall operating costs at this point due to the fact that demonstration administration costs and contingency funds will be reduced or eliminated. Furthermore, assuming that the level of State and local funding continued at the same level from years two to three, there is the need for \$80,000 to meet the resulting difference. It is expected that UMTA Section 5 monies and increased local aid will make up this difference.

6. Capital Costs

The capital equipment to be purchased under the demonstration will include thirteen raised-roof vans accommodating twelve passengers at \$13,500. Additionally, there will be new radios and fare boxes needed, a telephone response system to aid in dispatching, system information stands, a transfer station-bus shelter for Weston center, miscellaneous control equipment. The total cost of this equipment will be approximately \$216,000 of which eighty per cent will be Federally funded and twenty per cent State-funded.

7. Goals and Benefits

The system design to be implemented under the Service and Methods Demonstration project will focus on three basic objectives:

1. Demonstration of Service Integration: A broad range of conventional and para-transit services will be developed which are capable of efficiently serving a broad range of market segments. These services will include fixed-route bus, exclusive-ride taxi, shared-ride taxi, special markets dial-a-ride, route-deviation bus, and fixed-route bus.
2. Demonstration of Operations Integration: The Demonstration Program will develop an exemplary model illustrating mechanisms and relationships which allow for the integration of services provided by multiple operators functioning in both

the public and private sectors. The Westport Transit District, which offers fixed-route bus services, will integrate its operations with those offered by the two private taxi companies in Westport.

3. Demonstration of Suburban Service Potential: The Demonstration will illustrate the market potential for a comprehensive, integrated, and coordinated program of public transportation services in medium- and low-density communities.

Specifically, the Demonstration will seek to achieve the following specific goals which fall within the Service and Methods Program objectives:

1. Improved Coverage: The Westport Transit District seeks to expand the spatial and temporal coverage of services provided under its aegis to encourage travel anywhere within its boundaries seven days a week, eighteen hours each day.
2. Improved Productivity: The Westport Transit District seeks to maintain and improve the current levels of productivity on services it provides directly, as well as significantly improve productivity of existing private sector operations. Specifically, it seeks to achieve:
 - a. An increase in ridership on the downtown-oriented fixed-route system of twenty-five per cent;
 - b. An increase in ridership on the commuter rail fixed-route feeder system of forty per cent;
 - c. An increase in taxi ridership of twenty-five per cent;
 - d. An increase in taxi operating productivity (trips/hour) of one hundred per cent;;
 - e. An increase in Westport Transit District annual pass sales of twenty-five per cent;
 - f. A decrease in overhead and control costs for the system as a whole through consolidation of dispatching functions into a single control room.
3. Improved Service to Special Markets: The Westport Transit District is seeking to expand its services to the very young, the elderly, and the physically handicapped through the efficient provision of door-to-door service.

In addition, the Westport Transit District has two purely local objectives:

4. Reduction of Automobile Commuter Traffic at Saugatuck Railroad Station and within downtown Westport. Severe parking congestion is present at both locations. The Westport Transit District is seeking to minimize and control this problem through an aggressive policy which can capture forty per cent of the potential market.
5. Elimination of Second Car: The Westport Transit District seeks to minimize the prevalence of two or more cars per family within Westport, reducing multiple car ownership rates by ten per cent.

RHB:1lh
1-7-76

Interrelationship Between Project Participants

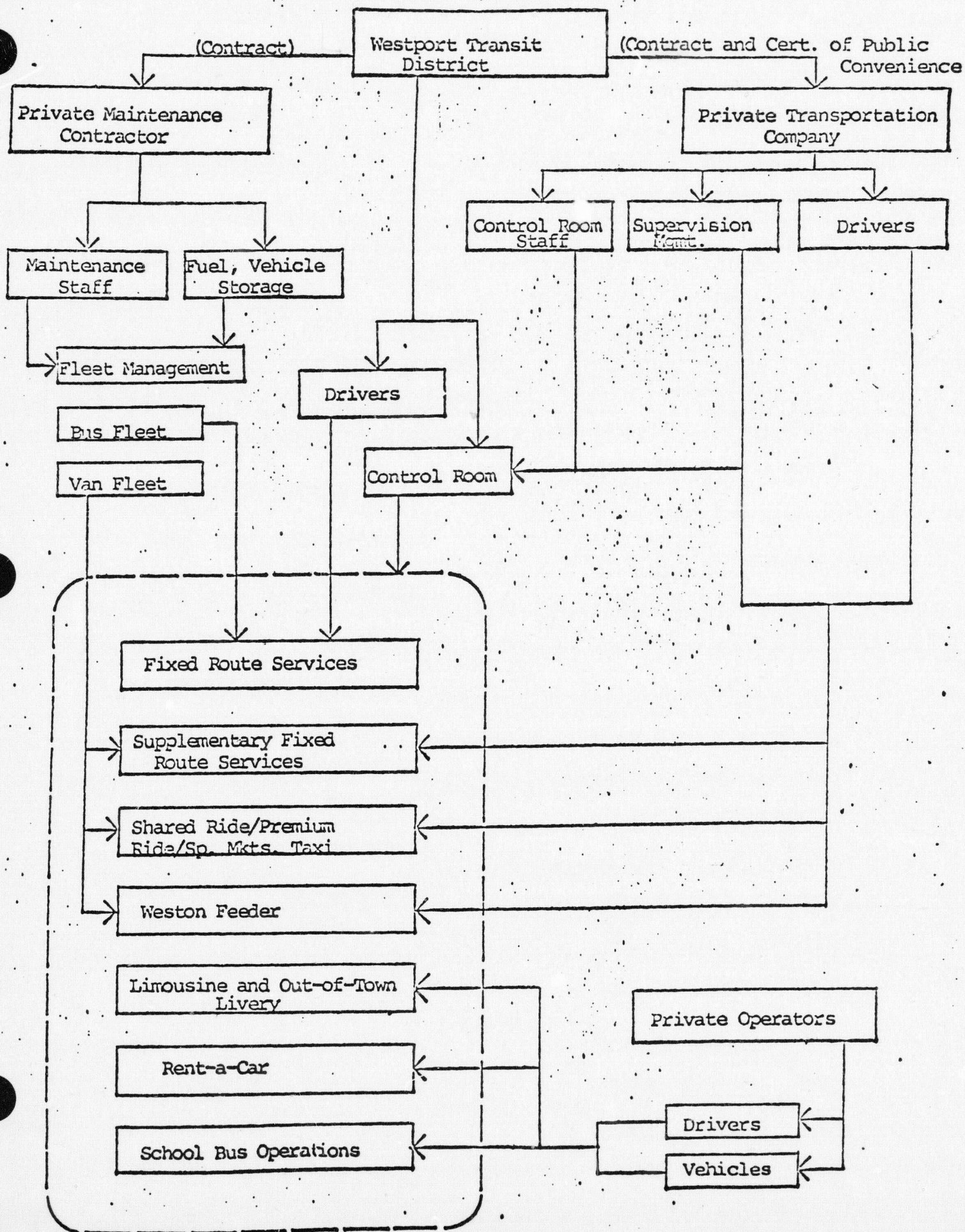
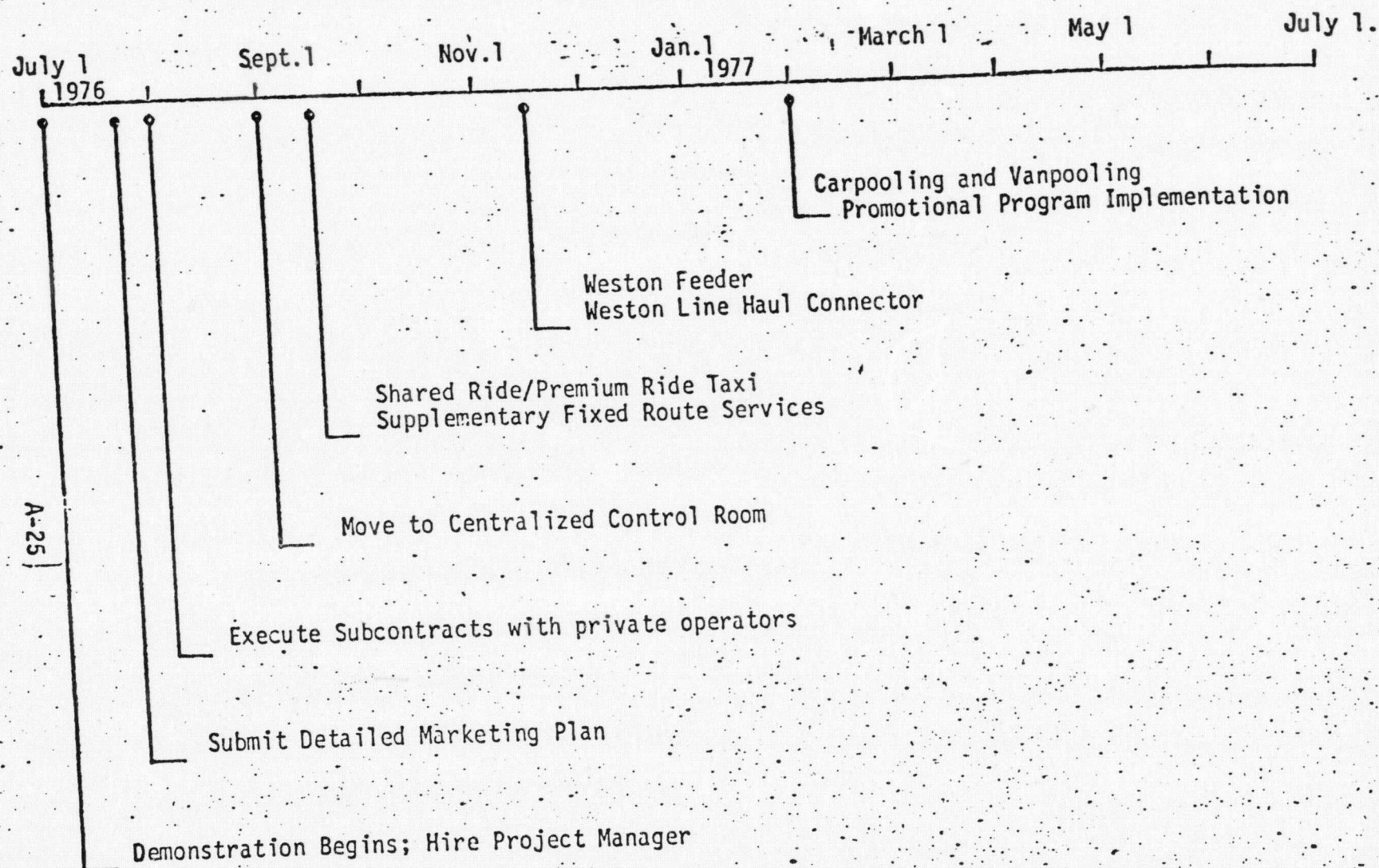


FIGURE 6
SERVICE IMPLEMENTATION SCHEDULE



Original
B-72
CT-06-0007-01

A P P L I C A T I O N

of the

Westport Transit District

for a

SERVICE AND METHODS DEMONSTRATION GRANT

January 31, 1976

minnybus

WESTPORT TRANSIT DISTRICT



211 East State Street
Westport, Conn. 06880
Information 226-7171
Office 226-0422

April 26, 1976

Mr. Paul Fish
Service & Methods Demonstration Division
Urban Mass Transportation Administration
400 Seventh Street, S. W.
Washington, D. C. 20590

Dear Paul:

As you are aware, as a result of our most recent meeting April 12, the community of Weston has decided not to participate in the proposed demonstration project. Enclosed with this letter is a copy of a letter from the First Selectman of Weston notifying us of Weston's intent. As a result of Weston's withdrawal from the project, we have eliminated from the project budget those costs and revenue elements which would have been attributed to Weston. On page C-2 through C-4, as revised, and included with this letter, you will see that we have eliminated these costs in the different categories.

However, as a result of our conversations on April 12, the Westport Transit District is proposing that a new dimension to the demonstration project be included in the place of the Weston services. We would like to undertake as part of the demonstration a phased program which will attempt to utilize occasional providers of paratransit services. There has been a growing recognition among individuals concerned with transit options about ways in which an individual or individual entrepreneur can be brought into the transit market to provide services. Car-pooling and van-pooling constitute forms of this kind of service. We would like to look beyond this to see what ways other individuals could be brought into the market and what the problems are in attempting to do so.

For example, the buses which are used to run our commuter routes to the railroad station in the morning are now running at and above capacity for the bus. In light of the fact that we neither have additional equipment to handle the growing demand and even if we did, the cost of putting another unit into service may be prohibitive. We would like to consider the possibility of paying an individual who owns a standard-size car, station wagon or van to run this route just

B-74
April 26, 1976

before our bus and to pick up the additional demand. We would pay this individual for his service which we believe could be economically competitive on a cost-per-passenger basis with our cost to carry passengers on the bus. For example, if we paid this individual \$2 for what amounted to be a fifteen-minute trip and this person carried four passengers, the cost per passenger would be fifty cents. We estimate that our cost per passenger presently runs between fifty and seventy cents. We believe there are other advantages to this arrangement in that we can cut back on this additional service as demand changes and do not have to worry about commitments to utilize capital equipment or labor. Beyond this we might even consider the possibility of asking an individual, perhaps a housewife who normally takes her husband to the station, to use a van or station wagon for an hour or so in the morning to run several routes and to see what the economics of this possibility might be.

There are other ways in which we see that occasional providers could be useful. These include services to the elderly or services to after-school activities. We also see the possibilities in attempting to utilize occasional providers to bring employees who work in the downtown area but live in communities outside of Westport to their jobs.

We believe that the possibilities for developing these services have significant implications for many other transit systems and transit users in the country. We would intend to clarify many of the issues and problems which must be faced in attempting to utilize this transit potential. In order to assist us in this effort aside from committing approximately \$65,000 to experiment with these services as described on Page C-3 Revised, we would like to commit approximately \$15,000 to the consultant category to help design the implementation of the occasional provider service.

As part of a new phase of the demonstration project we would like to explore different implications of van-pooling possibilities. First of all, we would like to work with a local major employer, namely the corporate headquarters of the Stauffer Chemical Company, to help them design a van-pool program which would help to bring their support staff from the neighboring cities and then to monitor the effect of this service on length of employment and satisfaction with the job. Many major corporations have been looking for ways in which to attract and keep employees. Furthermore, inner city and civil rights groups are showing a growing concern to develop more reverse commutation services. This aspect of the demonstration would be devoted to developing these issues, and secondly, we would like to explore more fully the possibility of considering the downtown area of Westport as an employment center and to develop a van-pool program treating this area in the way in which corporations or factories have treated a single plant facility.

April 26, 1976

B-75

The overall impact of including new elements in our proposed project of services, specifically the use of the occasional provider, as well as the development of van-pools, should strengthen the concept of transit brokerage which we are also attempting to demonstrate as part of the program. Although the inclusion of the taxi operators within a proposed service plan which also includes integration with our fixed-route bus services with connections to the commuter rail line addresses itself to the role of a broker which a transit authority could play, the inclusion of these two new dimensions into the overall plan should further enhance this function for transit authorities.

We hope you will look favorably upon this request for modification and hope you share our excitement about their possibilities. If you have any questions, please feel free to give us a call.

Sincerely,

Richard H. Bradley

Richard H. Bradley
Executive Director

RHB:11h
Enclosures

minnybus

WESTPORT TRANSIT DISTRICT



311 East State Street
Westport, Conn. 06880
Information 226-7171
Office 226-0422

March 29, 1976

Mr. Paul Fish
Service & Methods Demonstration Division
Urban Mass Transportation Administration
400 Seventh Street, S. W.
Washington, D. C. 20590

Dear Paul:

In answer to your question for further clarification of the issue of continuation of the demonstration project beyond the second year, it is the position of the Transit District to strongly support such continuation and the economic projections for costs beyond the second year show that this is a reasonable alternative to pursue.

You will note in the application on Page C-10 that we have projected net costs after application of revenues to gross costs in the third year at \$203,114. Although we have not made a similar projection for the distribution of subsidy assistance in the third year, in part because these cannot be predicted at the moment, if you study the local and State share in the second year of the demonstration project, you will see that this amounts to approximately \$120,000. There is a difference, therefore, between the commitment of local funds in the second year and the projected net cost in the third year of approximately \$80,000. We have assumed that this difference, which is not extremely large, will be made up from a number of sources.

First of all, both the communities of Westport and Weston recognize that their share would increase substantially in the third year, at least doubling over the amount in the second year, and that the additional remaining funds, amounting to roughly \$40,000, could be picked up with additional State aid and UMTA Section 5 funds for which the Westport Transit District is eligible. We are assuming that in this third year the demonstration project would be incorporated into our overall budget procedure and will be funded under those policies which pertain to subsidy assistance from local, State and Federal agencies.

If you have any other questions, please feel free to give us a call.

Sincerely,

Richard H. Bradley
Richard H. Bradley

RHB: 11h



311 East State Street
Westport, Conn. 06880
Information 226-7171
Office 226-0422

March 8, 1976

Mr. Paul Fish
Service & Methods Demonstration Division
Urban Mass Transportation Administration
400 Seventh Street, S. W.
Washington, D. C. 20590

Dear Paul:

Included is the information which you requested several weeks ago concerning various wage rates of staff who will be participating in the demonstration project. My salary is projected for the coming year to be \$22,162. This is based on an eight-per-cent increase over my present salary. The wages for bus drivers next year will be approximately \$4.70 an hour and the wages for taxi drivers is presently projected at \$3.75. It is expected that the wages for clerical help will be around \$3 per hour, unless the responsibilities of this clerical position also included bookkeeping qualifications. In that case I imagine the wages would be approximately \$3.75 to \$4.00 per hour.

If you have any questions, please give me a call. I plan to be in Washington for the Demand-Responsive Conference next week and I imagine I will see you at that time.

Sincerely,

Richard H. Bradley
Executive Director

RHB: 11h

minnybus

WESTPORT TRANSIT DISTRICT



311 East State Street
Westport, Conn. 06880
Information 226-7171
Office 226-0422

February 23, 1976

Service & Methods Demonstration Division
Urban Mass Transportation Administration
400 Seventh Street, S. W.
Washington, D. C. 20590

Gentlemen:

The Westport Transit District is submitting an application for \$610,441 to develop a Service & Methods Demonstration Project which would integrate conventional transit and paratransit services in Westport and Weston, Connecticut. It is a request for funds to cover a project lasting two years.

We believe that the plan of development detailed in our application will meet many of the goals of the Service & Methods Demonstration Division and will lead to the development of a model service which will have significant national implications. In particular, we feel the plan will demonstrate ways of integrating multiple services, both of conventional transit and paratransit, in a single system and that it will also demonstrate ways of integrating multiple transit operators, including both public and private enterprise, into that single system. Beyond that, we feel that the plan for service development will demonstrate a high level of service for low- and medium-density communities. Furthermore, we believe the plan shows a way of reconceptualizing taxi operations as a provider of a broad range of services which should have particular value as a model in many small communities throughout the country where the taxi operator is at present the only provider of transportation services.

We hope that you will look favorably on our request.

Sincerely,

Paul R. Green
Chairman

PRG: 11h
Enclosure

APPLICATION FOR FEDERAL ASSISTANCE

PART I

1. State Clearinghouse Identifier

2. Applicant's Application No. (to be completed by UMTA)

3. Federal Grantor Agency

Department of Transportation

Organizational Unit

Urban Mass Transportation Administration

Administrative Office

Street Address - P.O. Box

City

State

Zip Code

4. Applicant Name

Westport Transit District

Department Division

Street Address - P.O. Box

311 East State Street

City

Westport

County

Fairfield

State

Connecticut

Zip Code

06880

5. Descriptive Name of the Project

Demonstration & Service Development Project

6. Federal Catalog No.

7. Federal Funding Requested

\$ \$610,000

8. Grantee Type

State County City Other (Specify)

9. Type of Application or Request

New Grant Continuation Supplement Other Changes (Specify)

10. Type of Assistance

Grant Loan Other (Specify)

11. Population Directly Benefiting from the Project

Westport, Connecticut

13. Length of Project

Two years

12. Congressional District

Fourth District

14. Beginning Date

July 1, 1976

15. Date of Application

16. The applicant certifies that to the best of his knowledge and belief the data in this application are true and correct, and that he will comply with the attached assurances if he receives the grant.

Typed name

Richard H. Bradley

Title

Executive Director

Telephone Number

AREA
CODE

203

NUMBER

226-0422

EXT.

Signature of Authorized Representative

Richard H. Bradley

For Federal Use Only

PART III - BUDGET INFORMATION
Page 1

OMB NO. 80 RO-186

SECTION A - BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. Service Demonstration		\$	\$	\$ 610,000	\$ 153,841	\$ 763,841
2.						
3.						
4.						
5. TOTALS		\$	\$	\$	\$	\$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	Grant Program, Function or Activity				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	\$ 91,139	\$	\$	\$	\$
b. Fringe Benefits	22,785				
c. Travel	5,000				
d. Equipment	196,200				
e. Supplies	176,180				
f. Contractual	645,032				
g. Construction					
h. Other	63,856				
i. Total Direct Charges					
j. Indirect Charges					
k. TOTALS	\$ 1,200,192	\$	\$	\$	\$
7. Program Income	\$ 436,351	\$	\$	\$	\$

PART III - BUDGET INFORMATION

Page 2

OMB NO. 80 RO 126

SECTION C - NON-FEDERAL RESOURCES

(a) GRANT PROGRAM	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8.	\$ 16,000	\$ 137,841	\$	\$ 153,841
9.				
10.				
11.				
12. TOTALS	\$ 16,000	\$ 137,840	\$	\$ 153,841

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 383,597	\$ 213,620	\$ 56,659	\$ 56,659	\$ 56,659
14. Non-Federal	97,240	53,740	14,500	14,500	14,500
15. TOTAL	\$ 480,837	\$ 267,360	\$ 71,159	\$ 71,159	\$ 71,159

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) GRANT PROGRAM	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16.	\$ 383,597	\$ 226,403	\$	\$
17.				
18.				
19.				
20. TOTALS	\$ 383,597	\$ 226,403	\$	\$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:

22. Indirect Charges:

23. Remarks:

EXHIBIT A
GENERAL DESCRIPTION OF THE PROJECT

1.0 PROJECT OBJECTIVES

The Westport Transit District, through the program of services and actions to be described in this application, is seeking to develop a comprehensive transportation system which is capable of serving a broad range of travel needs and market segments within the communities of Westport and Weston, Connecticut, through the total integration of a variety of conventional transit and paratransit services. The work program described in Exhibit C seeks to make public and private transportation services complementary by focusing on strategies whereby different services and service providers can provide more efficient, comprehensive, flexible and integrated services than would be possible in a more traditional, fragmented transportation sector. The Westport Transit District, the grant applicant, will act as the lead participant in the work program, utilizing its regulatory power, its services, its auspices and good will to act as an "umbrella agency" to foster the development and coordination of a variety of public and private sector services. The Demonstration Project will be exemplary in nature, developing models which may be followed by other communities.

The system design to be implemented under the Service and Methods Demonstration Project will focus on three basic objectives:

- (1) Demonstration of Service Integration: A broad range of conventional and paratransit services will be developed which are capable of efficiently serving a broad range of market segments. These services will include fixed route bus, exclusive ride taxi, shared-ride taxi, special markets dial-a-ride, route deviation bus, and fixed route bus. Coordinated service

planning, centralized control room services, and flexible vehicle deployment strategies will be used to provide a comprehensive range of service options which are complementary in nature.

- (2) Demonstration of Operations Integration: The Demonstration Program will develop an exemplary model illustrating mechanisms and relationships which allow for the integration of services provided by multiple operators functioning in both the public and private sectors. The Westport Transit District, which offers fixed route bus services, will integrate its operations with those offered by the two private taxi companies in Westport. The Demonstration will show logical and mutually beneficial relationships between the public and private operators, as well as evolutionary procedures for moving from a fragmented to a coordinated transportation sector.
- (3) Demonstration of Suburban Service Potential: The Demonstration will illustrate the market potential for a comprehensive, integrated, and coordinated program of public transportation services in medium and low density. The program will illustrate the potential for specific service elements, as well as the impact of adopting a comprehensive approach in the planning, marketing and provision of services in small urban and suburban areas.

Specifically, the Demonstration will seek to achieve the following specific goals which fall within the Service and Methods Program objectives:

- (1) Improved Coverage: The WTD seeks to expand the spatial and temporal coverage of services provided under its aegis to encourage travel anywhere within its boundaries seven days a week, eighteen hours each day.
- (2) Improved Productivity: The WTD seeks to maintain and improve the current levels of productivity on services it provides directly, as well as significantly improve productivity of existing private sector operations. Specifically, it seeks to achieve:
 - (a) An increase in ridership on the CBD-oriented¹ fixed route system of 25%.
 - (b) An increase in ridership on the commuter rail fixed route feeder system of 40%.

¹Central Business District/Jessup Green

- (c) An increase in taxi ridership of 25%.
 - (d) An increase in taxi operating productivity (trips/hour) of 100%.
 - (e) An increase in WTD Annual Pass sales of 25%.
 - (f) A decrease in overhead and control costs for the system as a whole through consolidation of dispatching functions into a single control room.
- (3) Improved Service to Special Markets: The WTD is seeking to expand its services to the very young, the elderly, and the physically handicapped through the efficient provision of door-to-door service at subsidized (below market) user charges.

In addition, the Westport Transit District has two purely local objectives:

- (4) Reduction of automobile commuter traffic at Saugatuck Station and within downtown Westport. Severe parking congestion is present at both locations. The WTD is seeking to minimize and control this problem through an aggressive policy which can capture 40% of the potential market of Westport residents who either work downtown or commute by the Penn Central Railroad.
- (5) Elimination of Second Car: The WTD seeks to minimize the prevalence of two or more cars per family within Westport, reducing multiple car ownership rates by 20%.

2.0 SUMMARY OF PROJECT ACTIVITIES

2.1 Existing Services

Currently, two basic types of public transportation services are offered within the Towns of Westport and Weston:

- Fixed Route Bus Service, and
- Premium Ride Taxi Service

Fixed route bus services are directly provided by the Westport Transit District, using a fleet of eight 16-passenger small transit vehicles and one 33-passenger small transit coach. Two basic types of fixed route service are offered (see Maps 2 and 3):

- (1) Fixed Route Service to Westport Center: Seven radial loop routes operate on 35-minute headways, converging simultaneously on Jessup Green at Westport Center. Service is offered from 7:45 A.M. to 5:40 P.M.
- (2) Fixed Route Service to Penn Central Railroad Stations: Eight routes provide fixed route service to two morning and three evening commuter trains, between the hours of 6:30 A.M. to 7:30 A.M. and 5:40 P.M. to 7:30 P.M.

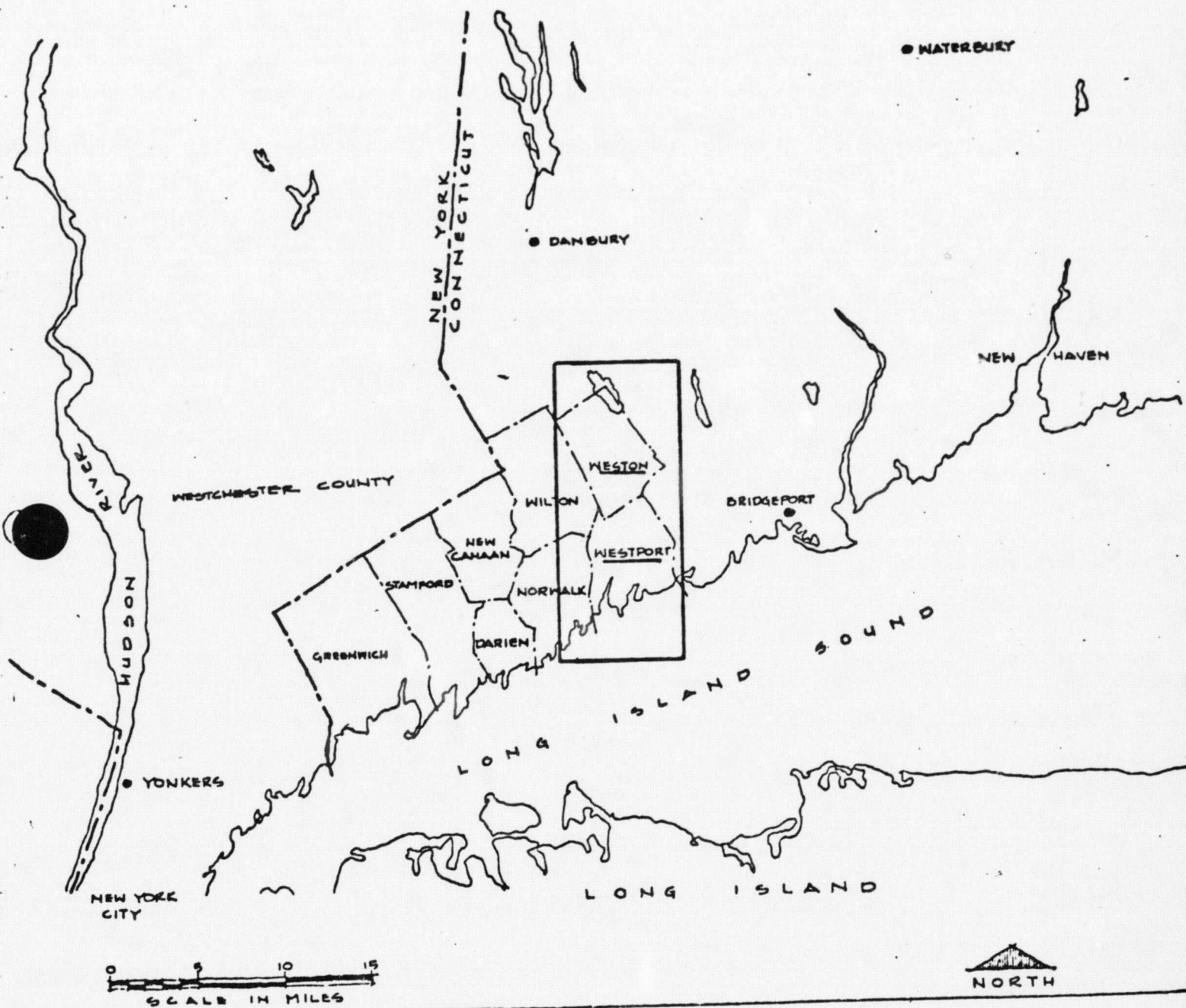
These WTD operations currently operate with hourly productivities greater than 21 passengers per vehicle hour. Average operating costs are currently estimated at \$12.61 per vehicle hour.

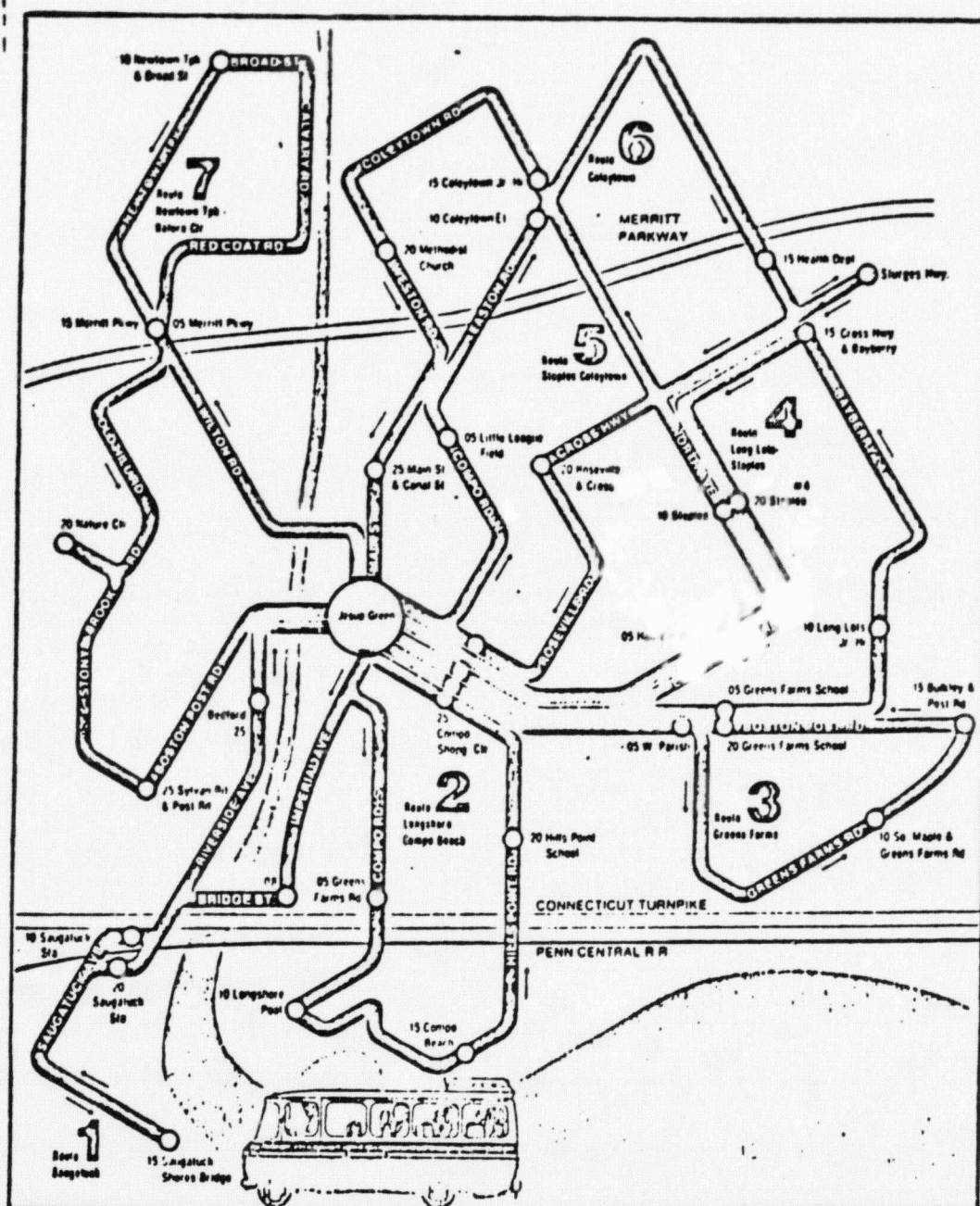
The WTD currently has a capital grant pending before UMTA which would provide five new buses and two van vehicles. The initial plan for use of this equipment called for an additional 11,000 hours of service annually.¹ However, under this Demonstration Plan, this equipment and these services have been consolidated and incorporated into the Demonstration framework, at a considerable cost savings for the WTD.

A unique aspect of the WTD fixed route system is the use of prepaid annual passes. The current average cost of a pass is approximately \$18 (to be raised shortly to \$23, and higher as this Demonstration Program is implemented). The WTD has sold more than 5000 annual passes in the

¹ 2000 hours of commuter service (2 new routes); 3500 hours of CBD service (2 new route); 3000 hours of supplementary peak hour service; 2500 hours of elderly and handicapped service.

FIGURE 1
SOUTHWEST CONNECTICUT REGION

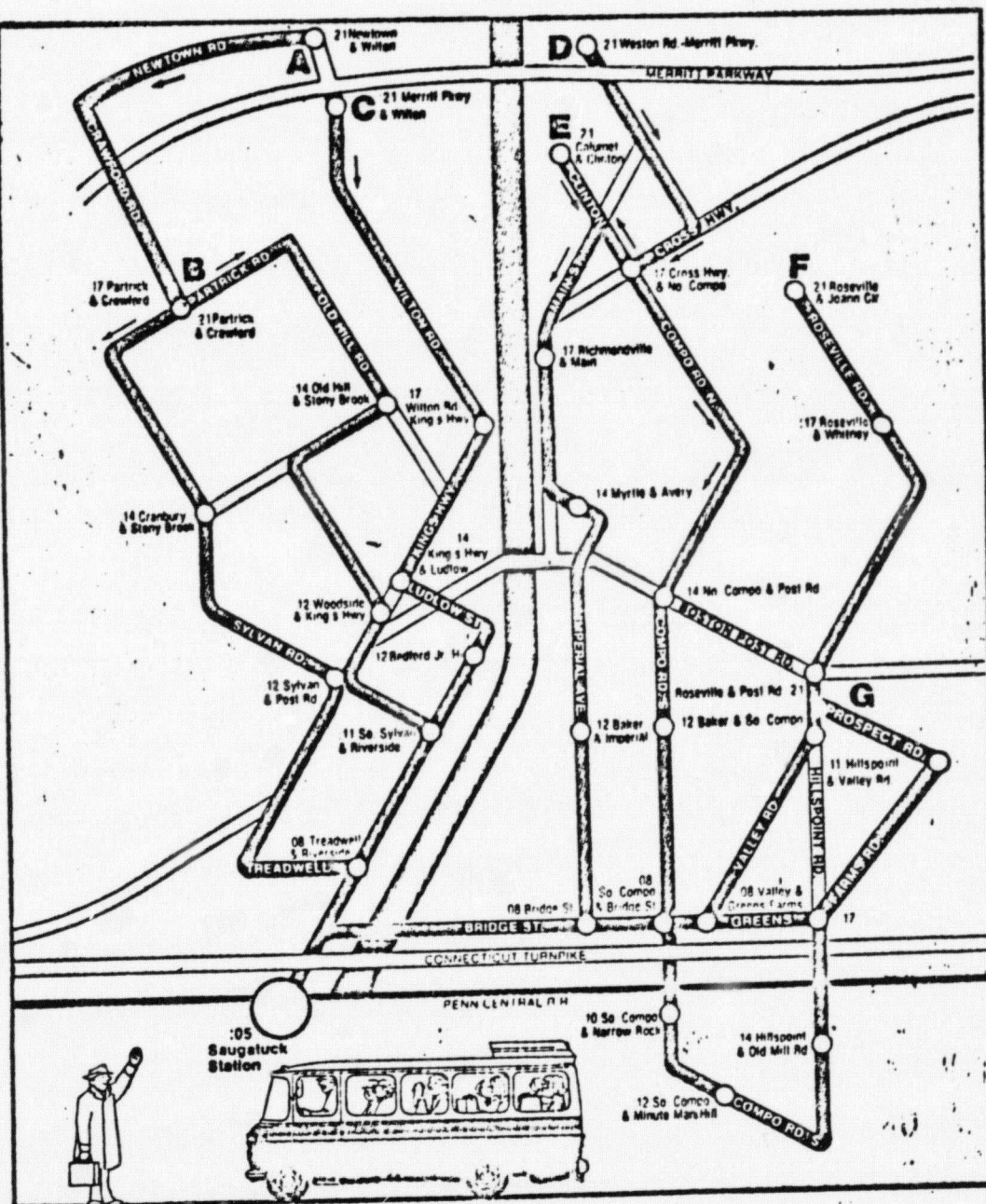




Here's where and when to find the Minny

The numbers indicated at each point represent minutes from Jesup Green. Buses on the Daytime Route depart from the Minny Terminal at 7:45 8:20 8:55 9:30 10:05 10:40 11:15 11:50 12:25 1:00 1:35 2:10 2:45 3:20 3:55 4:30 5:05

FIGURE 3
WESTPORT COMMUTER ROUTES



Commuter Minny timetable: we meet two morning trains, the 7:05, 7:29 and three evening trains, the 5:02, 5:20 and 6:03 out of Grand Central. To find the time Minny will be at your local stop in the morning "count down" or subtract the indicated number of minutes from train time. Correspondingly, in the evening, "count up" from train time for arrival at your home stop. (If trains are late we'll do our best to work it out.)

past year of service. The low cost of the annual pass has been made possible largely through the willingness of the Town and State to match pass sales revenues with a local (general revenue fund) and State subsidy.

Taxi and limousine services are offered by two private operators, Teddy's Westport Taxi Company and the Westport Taxi Company. Each operator currently has a taxi fleet of five vehicles. They each hold "Certificates of Public Convenience and Necessity" issued by the Connecticut Public Utilities Control Authority (PUCA) to provide "premium ride services" only; however, shared-ride service is frequently provided, generally without the passenger's consent, at the "premium fare" level, particularly for rail station-based trips. The current fare schedule, which has not risen in tune with the inflation of the times, serves to encourage (illegal) group loading and ride sharing.¹ (The taxi operators are currently regulated by the State PUCA; however, the WTD may assume this regulatory authority at any time through a simple written notification of intent to be filed with the PUCA.)

One of the private taxi operators also owns two limousines, which are for hire on an hourly basis. Each private taxi company also owns a profitable rent-a-car franchise which is cross-subsidized through the overhead of the taxi operations.

Together the two taxi companies average between 200 and 220 trips per day. Their average operating cost is approximately \$4.65/hour (excluding capital amortization). Average vehicle productivity ranges between 1.6 and 1.8 trips per hour. The average fare for trips within Westport is \$2.40, (exclusive of tips).

Neither company has shown a profit in its taxi operations over the past three years. They have survived largely through a combination of living off the value of their depreciating capital stock, payment of minimum wages to drivers, cross-subsidy by profitable car rental and

¹This appears to be in violation of Connecticut Statutes; however, the statute is widely violated throughout the State, and has not been enforced in recent years.

limousine services, and a self-exploitative labor policy by the owner-operators.

More detailed discussion and analysis of the current WTD bus and private taxi operations is contained in Attachment A to this application.

Figure 4 graphically displays the current weekday vehicle utilization and service plan for the Town of Westport.

The Town of Weston currently is served only by one of the private taxi companies operating in Westport. However, the nature of the fare structure and the fact that no taxis are stationed in Weston make taxi service expensive to use and the response time lengthy.

The low density development pattern, combined with the nearly complete lack of any public transportation services, makes Weston an attractive candidate for new public services. This potential is explored in detail in Attachment B to this submission.

2.2 New or Modified Services to be Offered Under Demonstration

In addition to the existing services described in the previous section, the Westport Transit District will move to implement, directly and through contract with private operators, the following services:

- (1) Supplementary Fixed Route Services: The WTD will provide an additional 10,946 annual hours of fixed route services. The additional service hours will be provided both directly by the WTD and by private operator under contract to the District. The supplementary services will allow the WTD to provide fixed route service on all routes to an additional three morning commuter trains and expand the geographical commuter route coverage, provide two additional service hours on the routes oriented towards the Westport CBD in the early evening hours, implement a new fixed route linking Weston Center and the Westport CBD and railroad station, and implement an entirely new commuter route to serve the "Saugatuck Shores" area of Westport.
- (2) Premium and Shared Ride Taxi Service: A fully integrated taxi service will offer premium ride, shared-ride, and small package delivery services within the Town of Westport using a single fleet of dynamically controlled vehicles. This service will be provided by a single private operator who is operating under contract to the WTD, and will replace all existing intra-Westport service offered by the two existing taxi companies. Ride sharing will be the basic service mode; premium service will be available using the same vehicle fleet for a flat surcharge (\$1.50) to be imposed on top of a basic shared-ride zone fare. The shared-ride fare structure will be designed to collect an average

FR 4
 EXISTING WEEKDAY SERVICES

6 AM 8 10 AM 12 Noon 2 PM 4 6 PM 8 10 12 1 AM

Fixed Route Commuter

Bus

A
B
C
D
E
F
G
H

6:30AM 7:30AM

5:50PM

7:30PM

Fixed Route CDB

Bus

A
B
C
D
E
F
G

7:45AM

5:30PM

Premium

Taxi Service

Taxi

1
2
3
4
5

 _____ (Fri. and Sat. eve.)

Taxi

6
7
8
9
10

 _____ (Fri. and Sat. eve)

Limo

1
2

A-11

6-92

revenue of \$2 per passenger (including tip) and it is anticipated that the integrated shared-ride and premium ride services will be self-sustaining and profitable by the conclusion of the Demonstration. The \$2 average fare level is being set with the belief that system productivities of 3.5 trips per hour can easily be achieved, and that the eventual system equilibrium will occur at a productivity greater than 4.0 passengers per hour. These services will be offered using a fleet of four to six van sized vehicles which will be purchased by the WTD.

Shared-ride taxi service will be utilized to provide complementary service for the fixed route system at times of low demand density. Persons holding WTD annual passes will be eligible for discounted fares on the shared-ride taxi at certain hours of the day and at certain locations. Railroad commuters will be allowed to use the shared-ride taxi system for a flat fare of \$1.00 after 7:30 P.M., provided they are holders of the WTD Annual Pass. Similarly, all passholders will be eligible for a \$1.00 flat fare on Friday and Saturday evenings from 7:00 P.M. to midnight. Reduced fares on the shared-ride taxi system are being offered as a cost-effective alternative to additional expansion of fixed route services at those hours.

Small package delivery service will also be offered using the same fleet of vehicles.

These taxi services will be offered seven days a week, nineteen hours per day, matching the service hours offered by the existing taxi service.

- (3) Limousine and Livery Service: Limousine and livery service will be provided for trips destined to locations outside the geographical limits of the Westport Transit District. Service will be provided by a private operator (and will be regulated by the State PUCA). The service will use a separate, privately owned fleet of vehicles; it will contract with the WTD (paying the WTD) for provision of central control room services.
- (4) Special Markets Services: Advance request demand-responsive services for special market segments will be provided by a private operator under contract to the WTD at below market fares. The service will be fully integrated with the operation of the shared-ride taxi system, using the same vehicle fleet and central control room to coordinate service.
- (5) Weston Feeder: A route deviation service will be operated by a private contractor, providing circulation service within Weston and feeder service to Weston Center. Four feeder routes will operate on thirty-five minute headways designed to interface with the new fixed route service

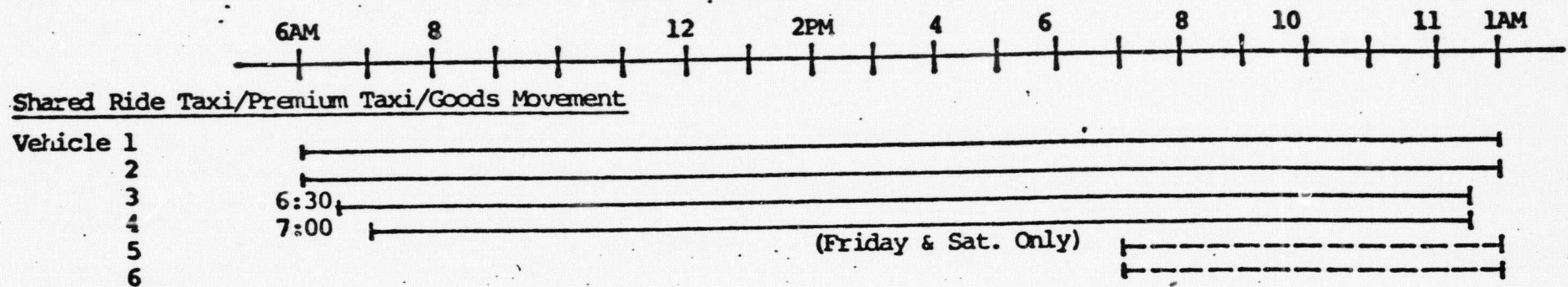
(also operating on 35-minute headways) between Westport and Weston Center. The feeder and line haul routes will be scheduled to provide "no wait transfers" between the Weston Feeder and Weston Connector line haul route, and between the Weston Connector and the remainder of the Westport system. The feeder system will be dispatched by the central control room. Van-sized vehicles will be used to provide this feeder service.

- (6) Carpool and Vanpool Matching: Carpooling will be promoted as a part of the overall public information program. Technical assistance will be provided to the downtown employers association in Westport to organize a carpooling program. Carpool matching will be carried out using the existing computerized matching program available through Connecticut DOT. Technical assistance for implementation of a vanpooling/carpooling program will also be provided to the two employers with major facilities (500 or more employees) in Westport.

Figure 5 displays the basic service plan outlined in the preceeding discussion. It identifies how each van and bus vehicle fleet will be utilized to provide these services.

FIGURE 5

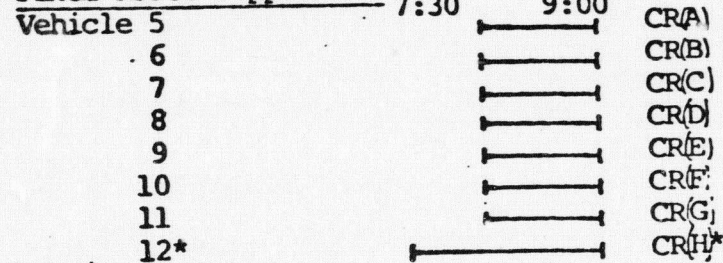
NEW SERVICES TO BE IMPLEMENTED UNDER DEMONSTRATION



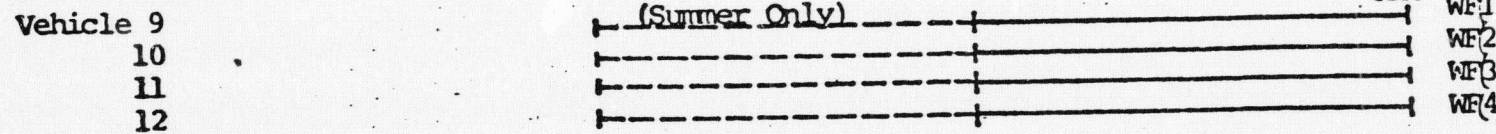
Special Services

Vehicle 5

Fixed Route Supplement



Weston Feeder



WID Fixed Route Service



* New Saugatuck Shores Commuter Route

KEY	
Vehicle 1	= van type
2	equipment
3	
4	
5	
etc.	
Vehicle A	= bus type
B	equipment
C	
Vehicle X	= private at
V	taxi
CR(1)	= commuter route
CBD(1)	= CBD route 1
WF (1)	= Weston Feeder
WC	= Weston Connector

3.0 NEW METHODS AND IDEAS TO BE DEMONSTRATED

The proposed service program will introduce a number of innovative service integration concepts and relationships which can be duplicated in other urbanized areas.

3.1 The Private Transportation Company

The Demonstration project is designed to exemplify new roles for the private sector in the provision of transportation services for the public. Too frequently, private operators, public operators and public planners have brought a form of "tunnel vision" to bear on the transportation sector which seriously limits their creativity and ability to respond flexibly to changing market needs and conditions. Taxi and bus operators are viewed as providing clearly different kinds of services; and the fundamental fact that their basic mission is provision of transportation is often lost from sight. The proposed Demonstration Project is designed to show the vast new potential and role for the private sector to provide services, skills and management expertise in provision of transportation service to the public. This new potential lies in the development of new contractual relationships with the public sector, and a new conceptual approach to provision of service which transcends the perception of the private operator as a provider of only taxi or bus services, replacing that perception with the concept of a "private transportation company" capable of providing a variety of management skills and services to meet the conditions of diverse environmental contexts.

The new contractual relationships will be defined to specify models for dealing with key issues in the evolving public sector-private sector relationship:

- (1) Protection of the equity interests of existing operators in a fragmented private sector as the public sector moves to coordinate them.
- (2) Maintenance of competition within the private sector while insuring the provision of coordinated and comprehensive services.

- (3) Maintenance of efficiency in services to the public sector provided by private contractors.

3.2 Integration of Paratransit Services and Conventional Transit Services

The Demonstration will provide, for the first time, a completely integrated range of paratransit services using a single fleet of vehicles and single control center, shared-ride taxi; premium ride taxi, small package delivery, and special markets services will all be provided simultaneously with the same vehicles and drivers, through a single control center.

The Demonstration will also illustrate how the same vehicle fleet can be used for radically different types of service, meeting different market requirements at different times of the day. The same vehicles and drivers may operate in conventional fixed route service, shared-ride taxi service, and route deviation feeder service all within the course of a single day's operations.

This service integration strategy is designed to demonstrate cost-effective ways of providing a broad, comprehensive range of public transportation services.

3.3 Non-Subsidized Paratransit Services

Many paratransit services - particularly taxi services - have a demonstrated ability to be self-sustaining and profitable in a free market context. Quite frequently, as the public sector moves to provide subsidized paratransit services, there is a resulting shift of market demand from self-sustaining to subsidized service. As a result, the public sector, in attempting to extend the availability of paratransit services, has ended up subsidizing a large market segment that previously was willing and able to purchase similar service at an unsubsidized market rate. The proposed Demonstration Project will exemplify a process for expanding the availability of paratransit services and lowering their cost to the user through provision of shared-ride taxi services and implementation of centralized control, which should result in significantly improved vehicle

productivities. However, the paratransit system will have a ultimate goal of being completely self-sustaining. As the system matures, fares will be adjusted to achieve this goal.

The Demonstration Program will exemplify an appropriate role for the public sector in expanding paratransit services and lowering their costs; i.e. the role of underwriting the "risk", costs of moving from a premium to a shared-ride service fare structure, assisting in overall promotion, marketing, and system information program, and insuring the overall coordination of all services being provided.

The proposed Demonstration will also show the potential for certain profitable paratransit services to cross-subsidize conventional transit services through a sharing of certain overhead cost elements as well as demonstrating strategies of service integration which improve overall system productivity.

3.4 The Centralized Control Room

The proposed service plan to be implemented under the Demonstration will utilize a single control center which will dispatch and monitor the operations of all transportation services offered within the communities of Westport and Weston.

The control center would be responsible for all communications and dispatching for the following services offered directly by, or under contract by, the Westport Transit District:

- (1) Fixed route bus services (operated by the WTD);
- (2) Supplementary fixed route services (operated by the WTD and a private contractor);
- (3) Shared-ride taxi, premium ride taxi, goods movement and special markets services (operated by private contractor);
- (4) Carpooling information brokerage.

In addition, three privately owned and operated transportation services could contract with the WTD to provide control room functions for their operations:

- (1) Limousine and out-of-town livery services;
- (2) Rent-a-Car services; and
- (3) School bus operations.

3.5 Unified Marketing and Promotion

The concept of a completely integrated transportation system will be carried into a marketing and system promotion program for the first time. Services provided through both the public and private sectors will be professionally marketed using a single promotional and information program. Uniform color schemes and system logos will be used for both public and private system components. System information will be comprehensive, emphasizing the complementary nature of system elements and the comprehensiveness of the system components.

4.0 PROJECT PARTICIPANTS

4.1 The Westport Transit District (WTD)

The Westport Transit District (WTD) is a duly constituted public transportation authority established under Chapter 103(a) of the Connecticut Statutes, ("The Transit District Enabling Act"). Through its enabling legislation, the WTD has authority to assume regulatory power over all forms of land transportation within its geographic boundaries, including fixed route bus services and taxi services. These powers include franchise, route and fare schedule approval, driver qualifications and vehicle safety regulation. The legislation also provides the Transit District with the right to provide public transportation services directly, incur bonded indebtedness¹, and utilize powers of eminent domain with respect to transportation properties, and to provide service under contract to neighboring towns.

The Westport Transit District currently exercises its authority over and directly provides fixed route bus operations within its boundaries. (It has not, to date, assumed regulatory authority over taxi operations within its boundaries; however, the assumption of this authority may be carried out at any time through execution of a letter of intent to be filed with the Connecticut Public Utilities Control Authority.)

The WTD currently employs a full-time Executive Director, one full-time and one part-time support staff, and thirteen drivers. All vehicle maintenance and storage, as well as daily vehicle communications and control, is handled by a private contractor (who also provides school bus service for the Town of Westport).

Under the proposed work program, the WTD will assume regulatory responsibility for the provision of all transportation services within its boundaries. It will directly provide certain fixed route services using its own equipment and personnel. It will contract with private transportation company(ies) for the provision of the following services:

- (1) Shared and premium ride taxi services within Westport and Weston;
- (2) Supplementary fixed route services, special market

¹All financial obligations are ultimately the responsibility of the member towns within the District.

services, and good movement service within Westport;

(3) Route deviated feeder services within Weston;

(4) Dispatching.

The private transportation company(ies) will be providers of personal services and will not be expected to provide any cash equity for these operations. The WTD will directly provide the following for all contract services:

(1) Vehicles and communications equipment;

(2) Fuel, oil, and parts;

(3) Maintenance¹;

(4) Control room space; and

(5) Control room supplies

By providing these elements directly, the WTD will be able to extend certain tax benefits to services provided by private operators. The provision of capital equipment will represent a direct capital subsidy designed to lower the cost of contract services (to both the WTD and, in the case of shared-ride taxi service, to the users). These elements will be more fully discussed later in this application.

The WTD will retain all revenues from services provided directly or under contract. This will be discussed later in the detailed explanation of the Work Program (Exhibit C).

The WTD will be responsible for overall system planning and coordination. It will provide legal, accounting, and marketing functions for the entire system.

4.2 The Private Transportation Company

A newly, privately owned transportation company will be incorporated under Connecticut State Law. The company stock would be held equally by the owners of the firms currently holding certificates to provide premium ride taxi service within Westport, (or their successor firms).

¹Maintenance would be provided by a private contractor.

(Discussion of the reason for creating a new legal entity will be provided later in this application.)

The "Transportation Company" will provide personal services under contract to the Westport Transit District for specific elements of the total system. Separate contracts would be negotiated to provide the following services.

- (1) Shared-ride and premium ride taxi within Westport and Weston;
- (2) Supplementary fixed route services, special markets and goods movement services;
- (3) Route deviated feeder service within Weston;
- (4) Dispatching services.

(Discussion of the nature of and form of these contracts will be provided in Section 5.0 of this Exhibit.)

4.3 Private Maintenance Contractor

The current contract between the WTD and a private bus operator for vehicle maintenance and storage will be extended to cover the thirteen van vehicles which will be purchased to provide the new contract services.

It is anticipated that significant maintenance scale economics can be achieved by providing maintenance for the entire fleet (thirteen buses and fifteen vans) through a single contract which can be negotiated (or competitively bid) within the private sector.

4.4 The Town of Weston

The Town of Weston, Connecticut is located immediately adjacent and north of the Town of Westport. Weston will contract with the Westport Transit District to supply specific services (the "Weston Feeder" and "Weston Connector") discussed in the detailed work program. (Exhibit C). The WTD will provide these services under the framework of the Demonstration Project using a combination of its own and private sector resources.

4.5 Transportation Planning Consultant

A third party subcontract will be signed between the WTD and a private transportation planning consulting firm for the purpose of

providing technical support to the WTD during the pre-implementation and implementation phases of the Demonstration Project. The consultant will be experienced in design and implementation of both conventional and paratransit services and will have a basic familiarity with the Southwest Region, and current WTD operations.

4.6 Marketing Consultant and Legal Counsel

The Westport Transit District does not employ a full-time marketing director or legal counsel. Under the Demonstration Project, these responsibilities will be subcontracted to the marketing and legal firms which currently carry out the WTD programs in these areas.

5.0 DATA COLLECTION, REPORTING AND MANAGEMENT

Data collection will be carried out by the WTD and its responsible subcontractors for purposes of system management. Additional funds have been included in the project budget for collection of specific information to be requested by the UMTA/TSC Evaluation Contractor.

The WTD currently collects daily ridership data for its fixed route operations on a run-by-run basis. Revenue data is also tabulated daily. The control room transactions records and driver logs for the taxi services will provide daily trip and revenue data for the demand responsive system components. In addition, the WTD currently carries out a single on-board survey, telephone survey of annual passholders, and general population survey once in the fall of each year. These surveys will be expanded with the concurrence and assistance of the UMTA/TSC Evaluation Contractor to include the new system elements to be added under this Demonstration Project.

Procedures for monitoring level of service on the demand-responsive system elements will be developed with the concurrence and assistance of the Evaluation Contractor.

A full-time Project Manager will be hired for the duration of the Demonstration and will have responsibility for:

- (1) Daily supervision of private operations contractor(s);
- (2) Supervision of marketing program;
- (3) Reporting and data collection;
- (4) Liaison with UMTA Project Manager, Evaluation Contractor, and other interested persons; and
- (5) Technical support for major employers wishing to implement carpooling and vanpooling programs

The Demonstration Project Manager will be directly responsible to the Executive Director of the Westport Transit District, who will oversee the Project Manager in the execution of the Work Program. It is anticipated that the Executive Director will spend a minimum of 25% of his time on the Demonstration Program effort.

6.0 TIME SCHEDULE, SUMMARY OF COSTS, AND SOURCES OF FUNDS

6.1 Time Schedule

The Demonstration Project will begin July 1, 1976 and continue through June 30, 1978, a period of two years. The first two-and-one half months of the Demonstration will be devoted to transition planning, execution of contracts, detailed system planning, and promotion of the new services. The WTD will begin to enact the necessary legal actions with respect to promulgation of regulations and authorize the marketing consultant to begin development of the detailed marketing plan immediately upon receipt of a letter of intent from UMTA to proceed with the Demonstration, authorizing incurrence of Demonstration related obligations.

The schedule (see Figure 6) for implementation of new services calls for simultaneous start-up of the new Westport service elements (taxi and fixed route bus) in mid-September, 1976. Weston feeder and connector services will be implemented one month later. The carpooling and vanpooling promotion and support programs would begin in early 1977, after a shakedown period for the other system elements.

6.2 Summary of Project Costs and Sources of Funds

The Demonstration Project will be divided into two separate accounts for purposes of funding and allocation of project costs. These two basic divisions will be "Capital Costs" and "Non-Capital Cost." Project costs will be shared by three levels of Government: Urban Mass Transportation Administration (UMTA), Connecticut Department of Transportation (ConnDOT), and the Westport Transit District (WTD). "Capital costs" associated with the project will be distributed on an 80/20 matching basis between UMTA and ConnDOT respectively. "Non-capital costs" will be split between UMTA, ConnDOT, and the WTD on 65/25/10 matching basis.

Total project costs are summarized in Table 1. Supporting detailed estimates of costs and revenues are contained in the Work Program and project budgets discussions contained in Exhibits C and E.

FIGURE 6
SERVICE IMPLEMENTATION SCHEDULE

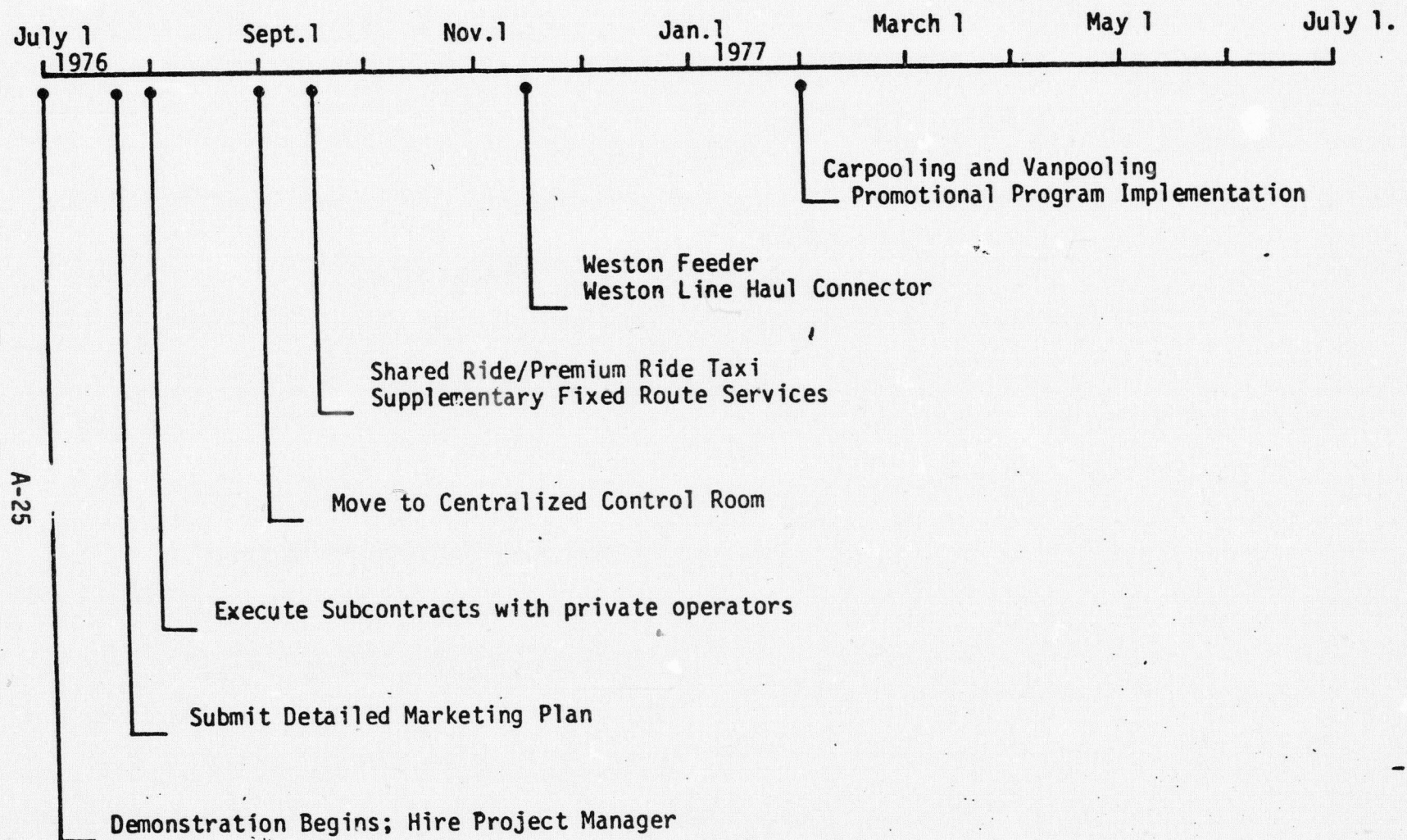


TABLE 1
DISTRIBUTION OF PROJECT COSTS BETWEEN PARTICIPATING AGENCIES

	<u>Total Costs</u>	<u>Capital Costs</u> ¹	<u>Non-Capital Costs</u> ²
<u>FY 1976-1977</u>			
UMTA	387,357	188,960	198,397
ConnDOT	123,546	47,240	76,306
WTD	<u>30,523</u>	<u>-</u>	<u>30,523</u>
Total:	541,426	236,200	305,226
<u>FY 1977-1978</u>			
UMTA	223,085	-	223,085
ConnDOT	85,802	-	85,802
WTD	<u>34,321</u>	<u>-</u>	<u>34,321</u>
Total:	343,208	-	343,208
<u>BOTH YEARS</u>			
UMTA	610,442	188,960	421,482
ConnDOT	209,348	47,240	162,108
WTD	<u>64,844</u>	<u>-</u>	<u>64,844</u>
Total:	884,634	236,200	648,434

¹See Work Program(C-12) for more detailed breakdown.

²See Work Program (C-10) for more detailed breakdown.

7.0 GENERAL APPLICABILITY

The proposed Demonstration will create models which can be widely generalized for integration of services and service providers into a single, comprehensively planned and organized public transportation system.

More specifically, the program to be undertaken will demonstrate:

- (1) Procedures for interfacing different transit and paratransit service concepts to provide comprehensive and cost-effective services.
- (2) Procedures for integrating operations provided by both the public and private sectors.
- (3) Appropriate and mutually beneficial relationships between the public and private sectors, including contractual relationships which promote efficiency and service quality while preserving a competitive private transportation sector.
- (4) The mutually beneficial interaction between transit and paratransit services and public and private operators which can be established through a comprehensively planned, managed, and promoted transportation system.

B-109

EXHIBIT B
WORK PROGRAM

B-1

1.0 LEGAL AND REGULATORY ACTIONS

1.1 Assumption of Regulatory Power Promulgation of New Regulations, Issuance of Certificate(s) of Public Convenience and Necessity

Under the Connecticut Transit District Enabling Act (Chapter 103(a), Connecticut Statutes), the WTD may, upon application to the State PUCA, assume regulatory powers over taxi operations within the geographic boundaries of the Transit District. The assumption of regulatory powers will give the WTD the authority to promulgate a new set of administrative regulations which conceptually define and differentiate "premium ride taxi", "shared-ride taxi" and "route deviation" (or "demand jitney") services, and determine licensing requirements. (The ITA Compendium will be used as a basis for promulgation of the new regulations.)

Under the enabling legislation, the WTD will be required to recognize the existing "Certificates of Public Convenience and Necessity" held by the two private taxi operators in Westport. These Certificates are held for (what will be known under the new regulations to be promulgated as) "premium ride taxi service." This recognition will be carried out with the specific qualification that shared ride services are not permissible under these existing certificates.

The WTD will then move to issue a single "Certificate of Convenience and Public Necessity for Shared Ride Services". The WTD will offer an option right for this Certificate to a single company ("The Private Transportation Company") composed of the two existing certificate holders (joined in an equal equity partnership or corporation) or their successor firms. The WTD will offer this option right only to the Private Transportation Company representing the two existing premium ride certificate holders (or their successor firms); the two existing operators will have three options available which would enable the new transportation company to exercise the shared-ride certificate option:

- (1) Joining together as partners in the new transportation company;
- (2) Agreeing to terms for one certificate holder to buy out the other;
- (3) Agreeing that one of the existing certificate holders will sell his "rights" to the new transportation company to a third party acceptable to the remaining certificate holder.

If the existing two operators cannot agree to one of these three courses of action, the WTD will offer the certificate to a single company on the basis of a competitive bid, limited (in the first contract year(s)) to the existing private operators within Westport. The competitive bid will be solicited for provision of the new "contract services" specified late in this Work Program, (including shared-ride taxi service, special market services, supplementary fixed route services, and the Weston feeder service).

1.2 Exercise of Authority to Regulate Fares

The WTD will utilize its authority to regulate taxi fares to achieve two goals:

- (1) The development of a zone-based fare structure suitable for shared-ride taxi and premium ride taxi service which can be easily interpreted and understood by the user public.
- (2) The centralization of a control room activities in a single location for all public transportation services.

It will achieve the former goal in a straightforward way. A zonal fare system will be developed which will replace the existing (distance based, non-metered) fare schedule. The zonal fare schedule will be calibrated so as to generate an average revenue of \$2.00 per trip within Westport. A flat surcharge of \$1.00 or \$1.50 (depending on trip length) will be imposed for premium ride service. Group riding will be allowed at a slight discount. Tipping will be actively discouraged, (and drivers salaries adjusted accordingly). At the end of the first full year of service, the shared-ride fares will be adjusted, if necessary, to ensure the full recovery of operating costs, based on observed system productivity.

The second objective, consolidation of control room activities, will hopefully be achieved through voluntary cooperation; however, it can legally be promoted by the WTD through its rate (fare) setting authority. In exercising that authority, the WTD will have the ability to define "legitimate costs of business" and "reasonable return on investment" for purposes of determining premium ride fare levels. The power to determine "legitimate costs" is an important one. Using that power, the WTD can define the "legitimate costs" of private operators with respect to control room overhead and staff costs as only those expenses (equivalent or equal to the costs) which would be incurred if the operator were purchasing control services from the central control facility. In essence, by establishing this legitimate cost framework, the WTD will be determining that there is a compelling public interest in centralizing control room activities, and that, as the regulatory authority, the WTD would no longer be willing to pass along to the user public the costs of duplicative control room overhead(s).

1.3 Contractual Relationships

The Westport Transit District would execute three different types of contracts with private transportation operators under the Demonstration Project:

- (1) Provision of maintenance services, vehicle storage, and fuel storage;
- (2) Provision of premium and shared-ride taxi service, goods movement and special markets services, Weston feeder service, and control room service;
- (3) Provision of central control room services for private transportation services.

Each of these contracts will be discussed in turn.

(1) Maintenance Service Contract

A contract will be executed with a private operator to provide complete maintenance facilities, maintenance staff, fuel and vehicle storage facilities, maintenance supervision and fleet management functions. The contract will be negotiated on a fixed price basis and will be annually renewable. The WTD currently has this type of contractual relationship with the local school bus operator in Westport.

(2) Taxi, Goods Movement, Weston Feeder, and Control Room Services

A contract will be executed with the newly created "Private Transportation Company" (or the successful bidder, if such a company cannot be formed) to provide personnel, supervisory and management functions for the following system elements:

- (a) Shared-ride/premium ride taxi service, goods movement service, and special market service.
- (b) Specified supplementary fixed route services.
- (c) Weston feeder service.
- (d) Control room and dispatching services for the above named services, plus all fixed route services provided directly by the WTD.

The contract will be negotiated on a cost plus fixed management fee, with an additional bonus profit incentive for efficient operation of the shared-ride/premium ride taxi service¹. This profit incentive will be based on passengers carried and will be directly tied to system productivity levels. Minimum service levels for demand-responsive services will be specified as necessary conditions which must be met for payment of both the management fee and the bonus profit.² The minimum service levels, combined with the profit incentive, will serve to stimulate the private operator to provide the most efficient service possible on the demand-responsive system elements.

Under this contract, all revenues generated from these services would belong to the Westport Transit District.

¹The recommended profit is .05/pass. for system productivity ≤ 2.0
 .06/pass. for system productivity = 2.1 to 2.5
 .07/pass. for system productivity = 2.6 to 3.0
 .08/pass. for system productivity = 3.1 to 3.5
 .09/pass. for system productivity = 3.6 to 4.0
 .10/pass. for system productivity ≥ 4.1

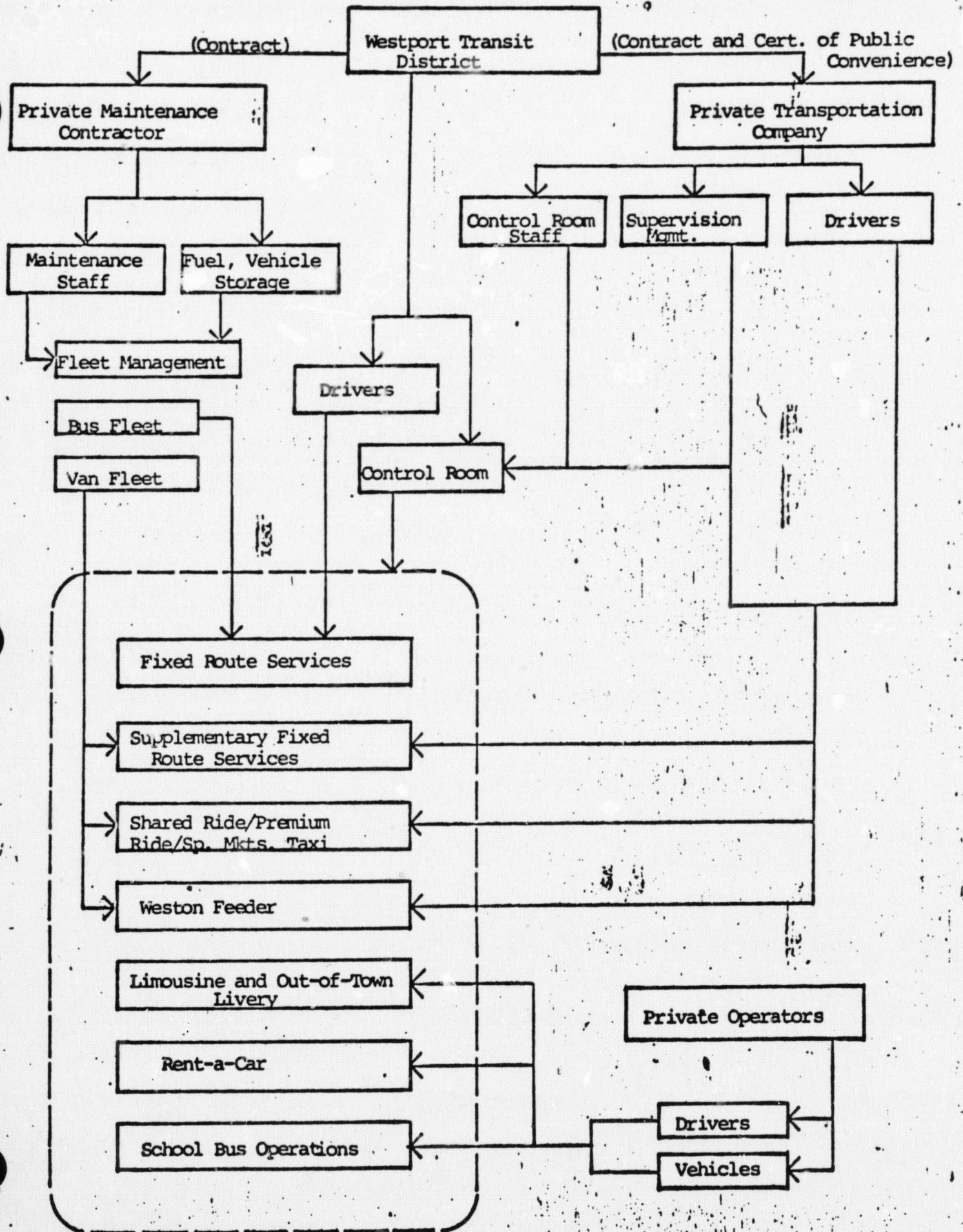
²The recommended minimum service levels are average wait times of 20 minutes (with and 5.D. < 10 minutes), and an average travel time of 25 minutes (with a 5.D. ≤ 15 minutes) for shared ride taxi service.

(3) Control Room Services and Contracts for Private Operators

The Westport Transit District will negotiate contracts to supply control room services for private transportation services (e.g., limousine, out-of-town livery, rent-a-car, and school buses) operating within Westport. These contracts will call for the WTD to receive payment from the private operator for provision of comprehensive control room services.

Figure 7 displays the inter-relationships between the primary project participants and the services to be provided.

This discussion has been developed as background in order to define the intended processes and contractual relationships which will be established in order to implement the service program described in Section 2.0 of this Work Program. Section 3.0 describes control room plans, and Section 4.0 describes the program for system management and administration of the Demonstration Project.



2.0 NEW AND MODIFIED SERVICE OPERATIONS

2.1 Supplementary Fixed Route Services

Additional fixed route services will be offered on the fixed commuter routes and CBD routes both directly by the Westport Transit District, using its own drivers and buses, and by the private transportation company, using its own drivers and WTD van-type equipment.

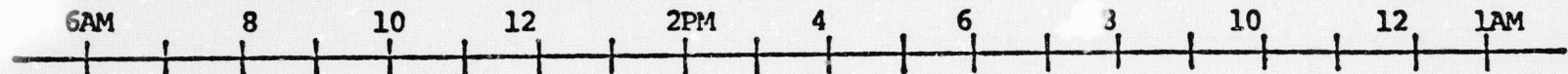
Specifically, the following new fixed route services will be offered (see Figure 8):

- (1) A single new commuter route ("H") will be operated in the Saugatuck Shores area of Westport using a single additional vehicle for two hours in the AM and PM peaks, serving three AM and three PM trains.
- (2) Commuter service will be doubled on the remaining seven AM commuter routes by using the van vehicles from 7:30 A.M. to 9:00 A.M. Service will be provided to four morning trains, including the 7:45 A.M. and 8:30 A.M. trains.
- (3) CBD-oriented service will be extended by two hours each weekday on all seven CBD oriented routes, using the van vehicles. New runs will be instituted leaving Jessup Green at 5:15, 5:50 and 6:25 P.M. The 5:15 runs will be subscription service, with first priority given to CBD employees.
- (4) Line haul connector service will be offered using a single bus from Weston Center to Westport from 6:30 A.M. to 8 P.M. During the commuter hours, the bus will operate to Saugatuck Station, serving the 7:05 A.M., 7:45 and 8:30 A.M. trains in the morning, and the 5:57, 6:27 and 7:07 P.M. trains. The evening commuter service will also stop at Jessup Green in Westport Center. Commuter service from Weston will enter Westport and run the existing Commuter Route C (see Figure 3), allowing expansion of service on that route to Westport residents living north of the Merritt Parkway as well. The "Weston Connector" will operate on the same 35-minute headway during the midday as other routes in the WTD system.

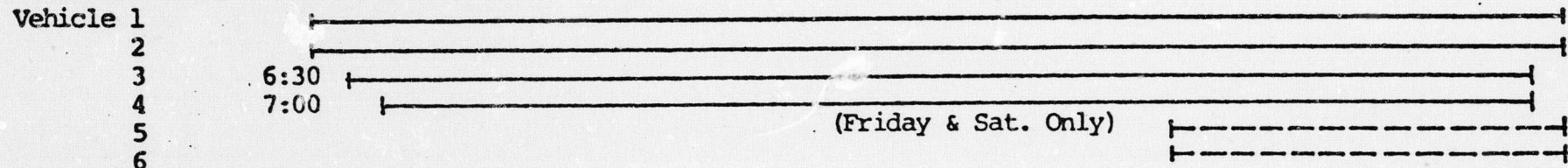
The supplementary fixed route services will be implemented in Westport in mid-September, 1976 (simultaneously with the start-up of the shared-ride taxi service). The Weston Connector fixed route will be implemented one month later (simultaneously with the Weston feeder system). The services will be offered using a combination of

FIGURE 8

NEW SERVICES TO BE IMPLEMENTED UNDER DEMONSTRATION

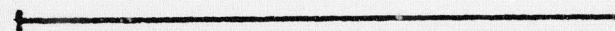


Shared Ride Taxi/Premium Taxi/Goods Movement

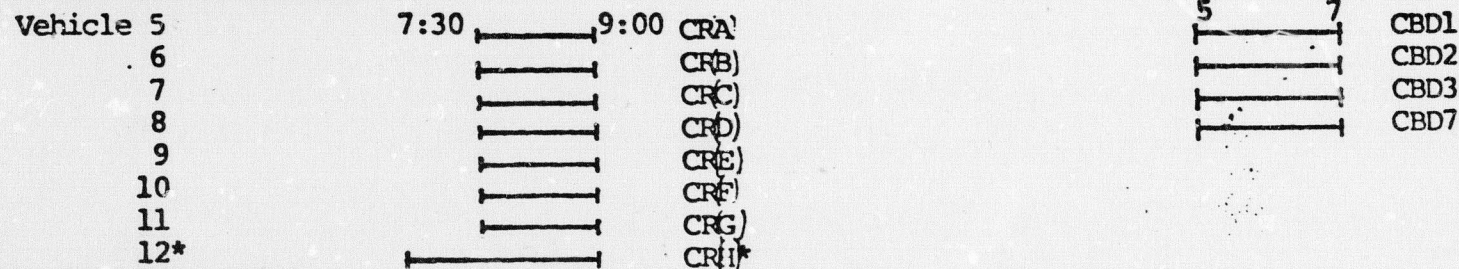


Special Services

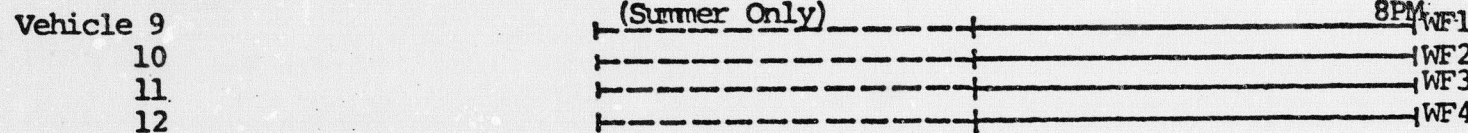
Vehicle 5



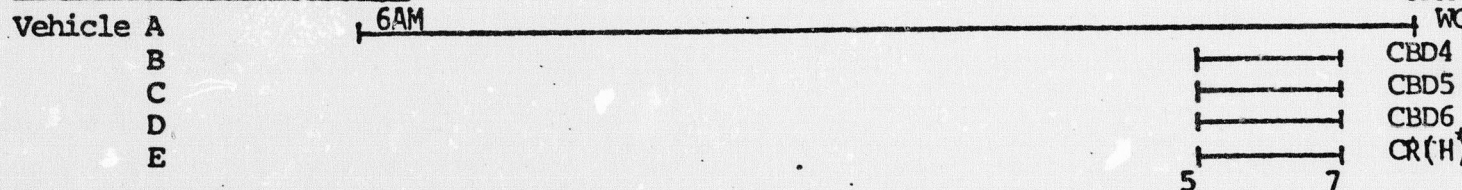
Fixed Route Supplement



Weston Feeder



WTD Fixed Route Service



* New Saugatuck Shores Commuter Route

KEY

Vehicle 1 = van type e
2
3
etc.
Vehicle A = bus type e
B
C
Vehicle X = private au
V taxi

CR(1) = commuter route
CBD(1) = CBD route 1
WF(1) = Weston Feeder F
WC = Weston Connecto

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WTD bus equipment and drivers and private contractor drivers and supervision utilizing the van equipment to be purchased under the Demonstration. (See Figure 8).

These fixed route services will be provided in two different ways, to maximize the efficient utilization of manpower and capital equipment. The Weston Connector and certain evening CBD supplementary services will be operated directly by WTD drivers using bus equipment. This is necessitated by the anticipated level of demand on these routes. The remaining supplementary fixed route service will be provided by the private transportation company using the van equipment. The WTD, in both cases, will be responsible for direct purchase of the fuel, oil, parts, maintenance and vehicle storage in order to take advantage of the WTD's tax exempt status.

The estimated direct operating costs (labor, vehicle maintenance and storage, fuel, oil, parts, and insurance) of providing these services are contained in Tables 2 and 3.

As a part of the service expansion program, the WTD will adopt a new fare policy (on or about July 1, 1976); issuing separate "commuter" and "regular" annual passes for the first time. The commuter pass will be priced at approximately \$70/year; \$40 of this revenue will be a "surcharge" earmarked specifically as an offset for Demonstration Project service costs.¹ The regular passes, which presently average \$17/pass/year, will be increased to approximately \$23 in March or April of 1976. In August, 1976 an (additional) "surcharge" of \$5 will be added to the pass cost as an offset for services provided under the Demonstration.² (This surcharge will be increased to \$7 in the second year). It is estimated that 450 commuter passes and 5000 regular passes will be sold to Westport residents in the first year of the Demonstration. Detailed revenue projections are contained in Exhibit E. Information on Weston pass sales is contained in Section 2.3).

¹This surcharge will be increased to \$7 in the second year.

²Fares for Weston will be discussed in Section 2.3.

TABLE 2

COST ESTIMATE: DIRECT OPERATING COSTS OF FIXED ROUTE SUPPLEMENTARY SERVICES
PROVIDED BY PRIVATE CONTRACT FOR (FY 1976-1977 DOLLARS)

	<u>FY 76-77</u> <u>(3885 hrs.)</u>	<u>FY 77-78</u> <u>(4810 hrs.)</u>	<u>FY 78-79</u> <u>(4810 hrs.)</u>
Direct Labor	17,483	21,645	21,645
Maintenance and Storage (4@\$2250)	6,750 ¹	9,000	9,000
Fuel, Oil and Parts (@\$1.14/hr.)	4,429 ¹	5,483	5,483
Insurance (4 veh. @\$1320)	<u>3,690</u>	<u>5,280</u>	<u>5,280</u>
TOTAL:	32,352	41,408	41,408

¹Cost prorated for 9 months of service.

TABLE 3

COST ESTIMATES FOR NEW FIXED ROUTE SERVICES PROVIDED
DIRECTLY BY WESTPORT TRANSIT DISTRICT¹ (FY 76-77 DOLLARS)

	<u>FY 76-77</u> <u>(4602 hrs.)</u>	<u>FY 77-78</u> <u>(6136 hrs.)</u>	<u>FY 78-79</u> <u>(6136 hrs.)</u>
Total cost at hourly average operating cost of \$13.57/hour ²	\$62,449	\$85,708	\$85,708

¹Weston Connector, additional evening CBD service, and new commuter route.

²Note: Administration costs are included in this figure due to use of average hourly cost figure.

2.2 Shared-Ride and Premium Ride Taxi and Goods Movement and Special Markets Services

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An integrated demand responsive system, providing four basic types of intra-community service, will be implemented in Westport by a private contractor utilizing a single fleet of van-sized vehicles. The four services, which will be operated out of a single central control room are:

- (1) Shared-ride taxi;
- (2) Premium ride taxi;
- (3) Advance request special market Dial-a-Ride;
- (4) Small package urban goods movement.

Ride sharing will be the basic service mode. A new zonal fare structure will be designed to recapture full operating costs at the projected eventual equilibrium level productivity, which is anticipated to be greater than 4.0 passengers. Initially, the fare schedule will be calibrated to collect an average fare of \$2.00 per trip (compared to the current average fare of \$2.40, excluding tips); however, the new zonal fares will be based on a no-tipping fare structure. Drivers' direct wages will be adjusted to reflect this policy change which will eliminate tips as a source of income.

Premium ride service will be provided within Westport for a flat surcharge of \$1.00 or \$1.50, depending on trip length. Goods movement service will be offered at a slight fare reduction, (average fare equal to \$1.50) provided that the delivery need not receive priority and can be delayed up to four hours.

Advance request¹ dial-a-ride services will be provided to the elderly, handicapped with a single specially equipped vehicle.

In addition, special reduced fares will be made available to WTD annual passholders at selected locations and times. Commuter passholders

¹Requests must be received at least 4 hours before service is required.

will be able to use the shared-ride taxi system for a flat fare of \$1.00 after 7:30 P.M. on weeknights for trips originating at the railroad station. Regular passholders may similarly, be able to use the shared-ride system on Friday and Saturday evenings for a flat fare of \$1.00; CBD employees who use the 5:15 P.M. subscription run on the fixed route system will also be able to use the shared-ride system as a "back-up mode" for a \$1.00 fare.

By consolidating all intra-Westport demand-responsive services into a single vehicle fleet under a single control center it is anticipated that significant gains in productivity can be achieved. Current vehicle productivities are between 1.6 and 1.8 trips per hour. Demand rates for the combined taxi system average twelve per hour, and peak at slightly less than 20 trips per hour. These peaks are currently focused on the rail station for trains not served by the WTD, and it is anticipated that expanded commuter service will lower the peaking factor.

Application of analytic supply models for dial-a-ride (and shared ride taxi) developed by ECI Systems, Inc. under contract to USDOT/TSC indicate that anticipated demand levels can be served with acceptable levels of service with a fleet of four to six vehicles (see Table 4).

Currently, the total average daily level of trip making by taxi within Westport ranges from 200 to 220 trips per day. (See Attachment A for a detailed analysis of existing taxi operations.) It is anticipated that a small part of this market will be lost due to increased fixed route commuter service. This should be offset, however, by the new demand which will be generated by the reduced zone fare structure, discounts to annual passholders at selected times and locations, and the extensive system marketing program to be undertaken. The marketing program will aggressively seek to tap a whole new market segment of potential users who currently never consider the taxi as an available transportation alternative.

It is conservatively anticipated that the slight drop in the level of ridership to 200 passengers per day may occur in the first three months of the new services, but that daily ridership averaging 225 trips/day will be realized 3-6 months after implementation of service, 250

TABLE 4

RESULTS OF APPLICATION OF ANALYTIC SUPPLY MODEL¹

<u>Demand Rate</u> (Trips/Hour)	<u>No. of</u> <u>Vehicles</u>	<u>Product-</u> <u>tivity</u>	<u>Level of Service</u>		<u>Stability</u> ²
			<u>Wait Time</u>	<u>Travel Time</u>	
10	4	2.50	09.42	15.74	Stable
15	4	3.75	12.87	19.42	Stable
20	4	5.00	17.49	23.71	Stable
	5	4.00	12.26	11.00	Stable
25	4	6.25	23.74	28.80	Unstable
	5	5.00	15.67	21.26	Stable
30	5	6.00	20.01	24.51	Unstable
	6	5.00	14.30	19.72	Stable
35	5	7.00	25.56	28.19	Unstable
	6	5.833	17.45	21.99	Stable
	7	5.00	13.21	18.62	Stable
40	6	6.666	21.43	24.50	Unstable
	7	5.71	15.75	20.32	Stable

NOTE: Assumes all vehicles remain in service area.

¹Model developed by ECI Systems, Inc. under a research contract DOT-TSC-977, (U.S. Department of Transportation, Transportation Systems Center.

²Refers to ability of system to provide consistent, reliable service at all times.

TABLE 5

COST ESTIMATE: DIRECT OPERATING COSTS OF SHARED-RIDE, PREMIUM
RIDE AND GOODS MOVEMENT TAXI SERVICE (FY 76-77 DOLLARS)

	<u>FY 76-77</u> <u>(22,408 hrs.)</u>	<u>FY 77-78</u> <u>(27,742 hrs.)</u>	<u>FY 78-79</u> <u>(27,742 hrs.)</u>
Direct Labor	100,850	124,839	124,839
Maintenance and Storage (4@ \$2250)	6,750 ¹	9,000	9,000
Fuel, Oil and Parts (@ \$1.14/hr.)	25,545	31,625	31,625
Insurance (4@ \$1320)	<u>3,960¹</u>	<u>5,280</u>	<u>5,280</u>
TOTAL:	137,105	170,744	170,744

¹Prorated for nine months of service

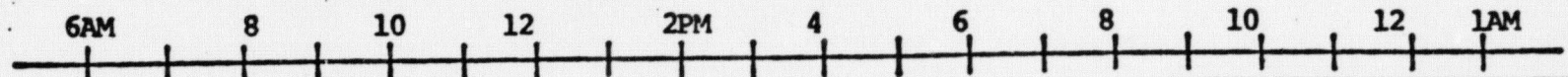
TABLE 6

COST ESTIMATE: DIRECT OPERATING COSTS OF SPECIAL MARKETS SERVICE
(FY 76-77 DOLLARS)

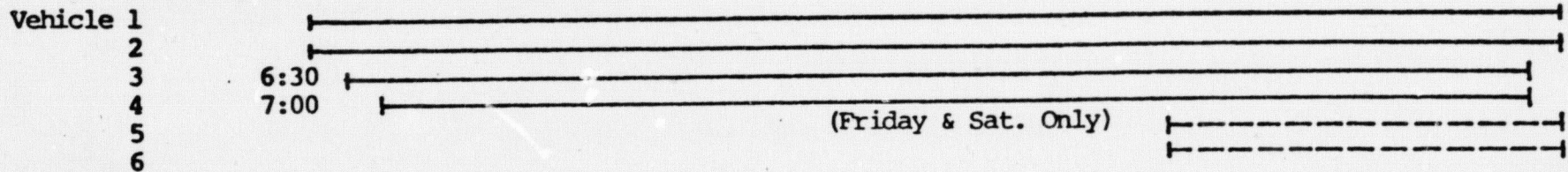
	<u>FY 76-77</u> <u>(2496 hrs.)</u>	<u>FY 77-78</u> <u>(2497 hrs.)</u>	<u>FY 78-79</u> <u>(2496 hrs.)</u>
Direct Labor	11,232	11,232	11,232
Maintenance and Storage (@\$2250)	2,250	2,250	2,250
Fuel, Oil and Parts (2\$1.14 hr.)	2,846	2,846	2,846
Insurance (@\$1320)	<u>1,320</u>	<u>1,320</u>	<u>1,320</u>
TOTAL:	17,648	17,648	17,648

FIGURE 9

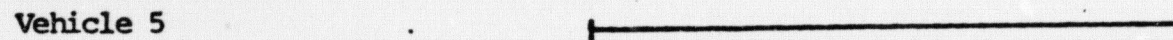
NEW SERVICES TO BE IMPLEMENTED UNDER DEMONSTRATION



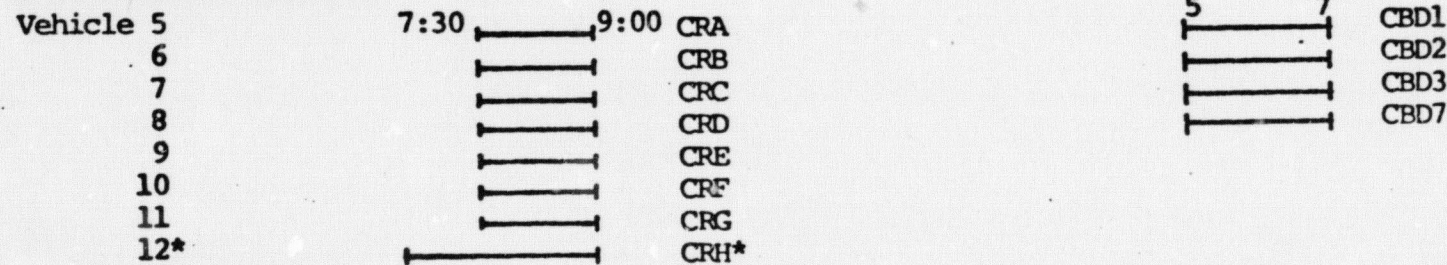
Shared Ride Taxi/Premium Taxi/Goods Movement



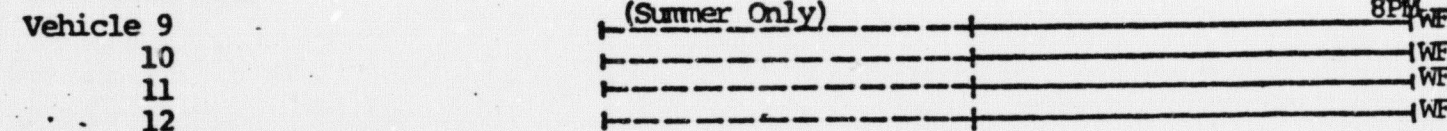
Special Services



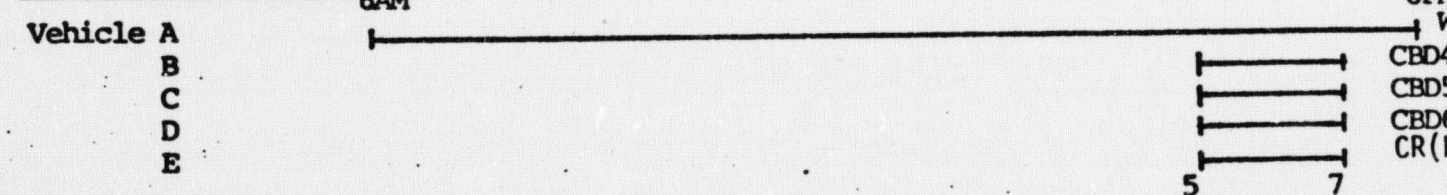
Fixed Route Supplement



Weston Feeder



WTD Fixed Route Service



* New Saugatuck Shores Commuter Route

KEY

Vehicle 1 = van type eq
2
3
etc.
Vehicle A = bus type eq
B
C
Vehicle X = private auto.
V taxi

CR(1) = commuter route 1
CBD(1) = CBD route 1
WF(1) = Weston Feeder Rt.
WC = Weston Connector

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trips/day after 9 months and better than 300 trips per day by the end of the Demonstration. This will result in approximately \$186,000 in user charges in the first nine months, \$282,000 in the next twelve months, and \$362,000 in the third year. (See Exhibit E for a detailed projection of revenues).

Cost estimates for provision of taxi, special markets and goods movement services are detailed in Tables 5 and 6. Figure 9 displays the relationship between these services, other new services and the utilization of the vehicle fleet.

2.3 Weston Feeder Service

Feeder service will be provided on four routes converging on Weston Center (see Figure 10). The feeder system will be a route deviation service, sharing the central control facilities with the other components of the Westport system. Deviations will be limited to 1/2 mile from the specified routes, and will be priced at \$.50 per deviation above the base fare (or annual pass). The system will be operated by the private contractor, using twelve passenger vans.

The feeder routes (see Figure 11) will be operated on 35-minute headways which will be timed to converge on Weston Center at the same time as the fixed route connector between Weston and Westport Centers.

Service will be offered on the feeder routes from 2 P.M. to 8 P.M.¹ on weekdays, and 9 A.M. to 5 P.M. Saturdays. During the summer months the feeder will operate from 9 A.M. to 8 P.M.

The annual pass concept currently utilized in Westport will be extended to include Weston services. The price of the daytime pass for Weston residents will average \$35 (approximately 25% higher than the cost to Westport residents), reflecting the fact that slightly lower system productivities and longer trips are anticipated for Weston system components. Commuter passes will be sold at an annual cost of \$75 (five dollars more than for Westport residents), again reflecting longer average trip lengths.

¹Times include twenty minutes of non-productive (deadhead) time from Westport garage site to Weston Center.

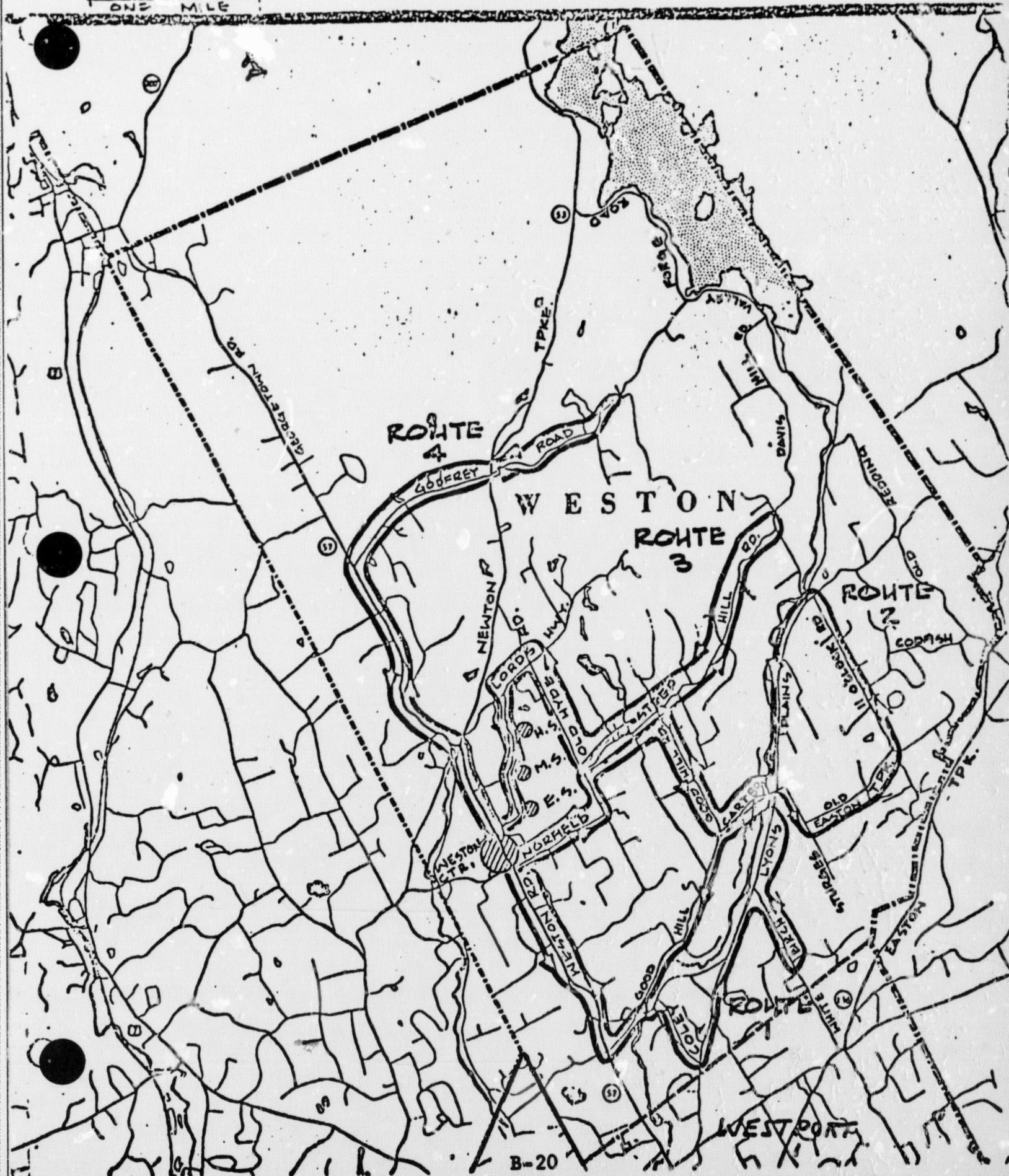
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FIGURE 10

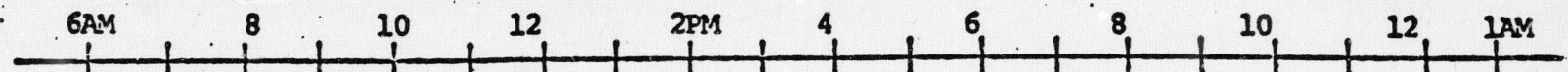
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WESTON FEEDER SYSTEM

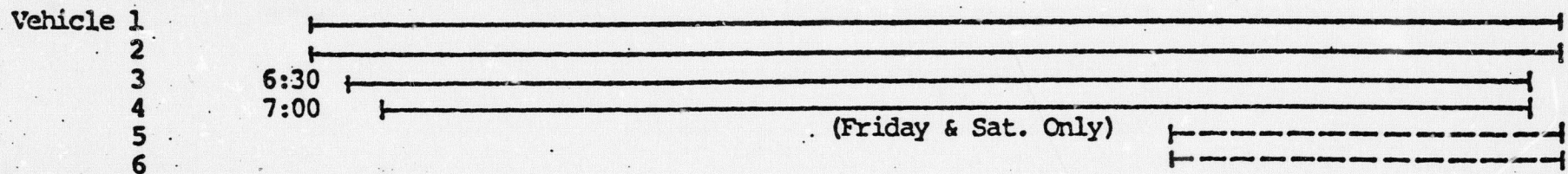
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NEW SERVICES TO BE IMPLEMENTED UNDER DEMONSTRATION



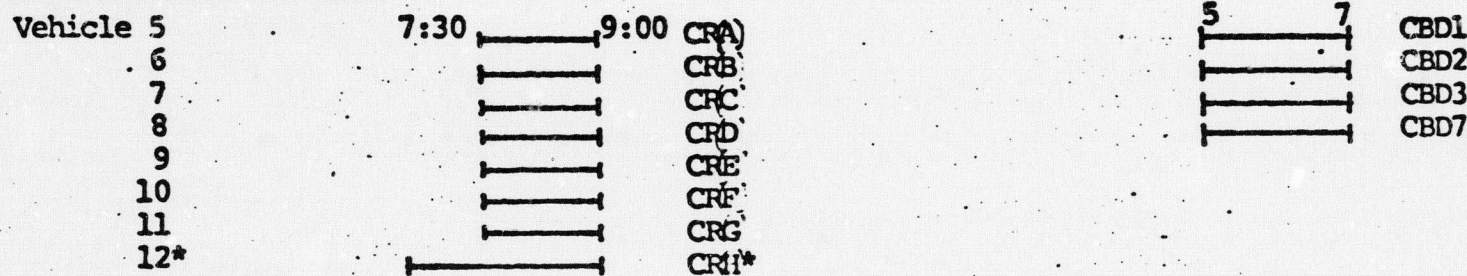
Shared Ride Taxi/Premium Taxi/Goods Movement



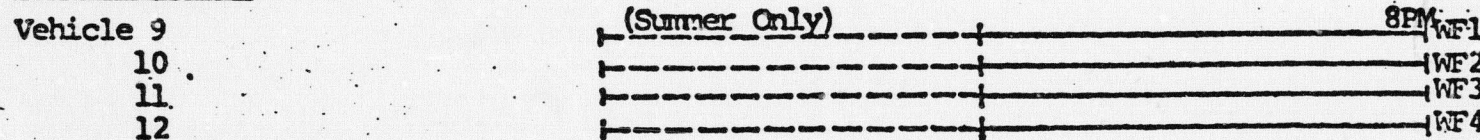
Special Services



Fixed Route Supplement



Weston Feeder



MTD Fixed Route Service



* New Saugatuck Shores Commuter Route

KEY

Vehicle 1 = van type
 2
 3
 etc.
 Vehicle A = bus type
 B
 C
 Vehicle X = private
 V taxi

CR(1) = commuter route
 CBD(1) = CBD route 1
 WF(1) = Weston Feeder
 WC = Weston Connector

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A more detailed discussion of transit needs, anticipated demand, and projected pass sales is contained in Attachment B to this application.

Service on the Weston Feeder and Weston Connector will be implemented in mid-October, 1976, approximately one month after the start-up of the new services in Westport.

Table 7 details the anticipated direct operating costs which will be incurred in providing Weston Feeder Service.

2.4 Carpooling and Vanpooling Matching

The WTD staff will be responsible for acting as a technical resource to the two major employers in Westport (Stauffer Chemical and Glendenning Publishing) assisting them in implementing vanpooling and carpooling programs for their employees. The WTD will work with these employers to develop internal and self-sustaining programs for ride sharing. It will assist in providing employer access to the ConnDOT computer matching program, where appropriate.

In addition, the WTD will assist the Westport Downtown Merchants Association in developing a carpooling program for the CBD employees. Promotional materials will be supplied and the WTD Central Control Room will serve as a clearinghouse for carpool information and referral services. The ConnDOT matching program may be utilized; however, a manual matching program may be preferable for the size of the potential market involved.

The carpooling and vanpooling program will be relatively low key. It will be directed by the Demonstration Project Manager, and information referral will be handled directly by the central control room staff.

Funds for marketing and promotion are included in the marketing budget (see Work Program Element 5.3) and existing marketing materials (Highway Users Federation/FHWA/FEA packages) will be utilized for this effort.

TABLE 7 A

COST ESTIMATE: DIRECT OPERATING COSTS OF WESTON FEEDER
(FY 76-77 DOLLARS)

	<u>FY 76-77</u> <u>(6534 hrs.)</u>	<u>FY 77-78</u> <u>(9204 hrs.)</u>	<u>FY 78-79</u> <u>(9204 hrs.)</u>
Direct Labor	\$29,403	\$41,418	\$41,418
Maintenance and Storage (4 vehicles @\$2250)	6,750	9,000	9,000
Fuel, Oil and Parts (@\$1.14/hour)	7,449	10,492	10,492
Insurance (4@\$1320)	<u>3,690¹</u>	<u>5,280</u>	<u>5,280</u>
TOTAL:	47,562	66,190	66,190

TABLE 7B

WESTON ANNUAL PASS FARE SCHEDULE

Single Adult Pass:

Regular	\$45
Commuter	\$85
Single Childs' Pass	\$35
Family Passes:	
Husband and Wife (regular)	\$75
Husband and Wife (regular and commuter)	\$105
Each Additional Child	\$35

¹Prorated for nine months in first year.

TABLE 8
SUMMARY OF ESTIMATED OPERATING COSTS
(COSTS IN FY 76-77 DOLLARS)

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
A. Supplementary Fixed Route Services-Private Contractor (Table 2)	32,352	41,408	41,408
B. Supplementary Fixed Route Services WTD (Table 3)	62,449	85,708	85,708
C. Shared Ride/Premium Ride Taxi Services (Table 5)	137,105	170,744	170,744
D. Special Markets Services (Table 6)	17,648	17,648	17,648
E. Weston Feeder Service (Table 7)	<u>47,562</u>	<u>66,190</u>	<u>66,190</u>
TOTAL: (Excluding inflation and contingencies)	297,116	381,698	381,698
Inflation Factor:	<u>1.00</u>	<u>1.08</u>	<u>1.1664</u>
	297,116	412,234	445,213

3.0 CENTRAL CONTROL ROOM

Under the Demonstration Project a single consolidated central control room will be established to be responsible for vehicle communications and dispatching for all the vehicles operating under the auspices of the WTD, (i.e., fixed route, taxi and Weston feeder vehicles). The control room space and equipment will be provided directly by the WTD, while responsibility for control room staffing and supervision will be contracted to the private transportation company.

The WTD intends to utilize a newly developed interactive telephone answering system ("Con-Mode") in order to minimize the requirements for control room staff. It is anticipated that use of the Con-Mode system will provide significant cost savings in the area of telephonist staff. It is currently projected that a single full-time dispatcher will be able to handle the entire control system for the majority of the service day; therefore, a telephonist has been budgeted for those hours when the Weston feeder system is in operation. The control room hours of operation will match the taxi system hours of operations, 6 A.M. to 1 A.M. seven days per week.

The estimated costs of control room operation are contained in Table 9.

TABLE 9
COST ESTIMATE: CONTROL ROOM OPERATIONS
(FY 76-77 DOLLARS)

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
Labor			
Dispatcher ¹	\$32,022	\$39,530	\$39,530
Telephonist ²	6,336	8,836	8,836
Office Overhead			
Rental (\$300/month) ³	3,600 ³	3,600	3,600
Utilities (\$25/month)	300	300	300
Telephones (\$175/month)	1,750	2,100	2,100
Telephone installation charge	150	-	-
TOTAL COSTS (EXCLUDING INFLATION AND CONTINGENCIES)	\$44,158	\$54,366	\$54,366
Inflation Factor:	<u>1.00</u>	<u>1.08</u>	<u>1.1664</u>
TOTAL (EXCLUDING CONTINGENCIES)	\$44,158	\$58,715	\$63,412

¹Includes 20% benefits; assumes 5618 hours of service in first year and 6935 hours in following years.

²Includes 20% benefits; assumes 1650 hours in first year, 2301 hours in second and third years.

³Assumes full year of rental in first year.

4.0 SYSTEM MANAGEMENT

As discussed in Section 1.0 of this Work Program, the WTD intends to contract with the private transportation company for personal management services including driver and control room supervision, and responsibility for supervision of daily operations of all system components operating under the aegis of the WTD. As described earlier, the WTD will execute a cost plus fixed management fee contract for these services. The contract period will coincide with the period of operations under the Demonstration-September, 1976 through June, 1978. The flat management fee has been estimated at approximately 7.5% of the costs of the projected operations to be supplied by the private contractor.

In addition to the flat management fee, the private transportation company will receive a bonus profit for efficient operation of the shared-ride/premium ride taxi service. The company will receive a guaranteed profit of \$.05 per passenger carried, provided that service level minimums are met. The profit per passenger will increase as system productivity increases (see Table 10). The profit bonus will be calculated and paid monthly, based on the previous months, total taxi system ridership and vehicle hours of service.

The private transportation company will be expected to pay its own administrative costs (legal, accounting, payroll, etc.) out of the flat management fee. However, it is also expected that the owners of the private transportation company will choose to hire themselves as control room employees and pay themselves direct wages and benefits.

Table 11 identifies the estimated costs of the system management fees and taxi profit bonuses during the course of the Demonstration.

A separate contract for maintenance of both the bus and van fleets will be negotiated with the existing maintenance contractor. This contract will specifically cover maintenance and storage of the thirteen van-type vehicles to be purchased for the Demonstration Project, as well as fuel storage for the gas powered van vehicles. It is estimated that this contract can be negotiated at an annual cost of \$29,250. These

TABLE 10
PROFIT BONUS FOR TAXI SERVICES

Profit Per Passenger

.05
.06
.07
.08
.09
.10

System Productivity

≤ 2.0
2.1 to 2.5
2.6 to 3.0
3.1 to 3.5
3.6 to 4.0
 ≥ 4.1

TABLE 11
COST ESTIMATE: SYSTEM MANAGEMENT FEES
(FY 76-77 DOLLARS)

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
Flat Management Fee	\$12,000	\$14,000	\$14,000
Profit Bonus	<u>8,000</u>	<u>10,000</u>	<u>10,000</u>
TOTAL COSTS (EXCLUDING INFLATION AND CONTINGENCIES)	\$20,000	\$24,000	\$24,000
Inflation Factor:	<u>1.00</u>	<u>1.08</u>	<u>1.16664</u>
TOTAL (EXCLUDING CONTINGENCIES)	\$20,000	\$25,920	\$27,994

costs have already been included in the operating cost estimates contained in (Tables 2, 3, 5, 6 and 7) Section 2.0 of this Work Program (as the line item: ("Maintenance and Storage")).

5.0 DEMONSTRATION ADMINISTRATION

5.1 Project Management

The Westport Transit District will hire a full-time Project Manager and half-time secretary specifically for the purpose of overseeing the Demonstration Project on a daily basis, responding to the administrative, management, reporting and liaison activities inherent in the Demonstration Project.

The Project Manager will have specific responsibility for:

- (1) Daily supervision of private operations contractor(s)
- (2) Supervision of marketing program
- (3). Liaison with UMTA Project Manager and Evaluation Contractor
- (4) Reporting and Data Collection (as discussed in Exhibit D)
- (5) Technical support for major employers wishing to implement carpooling and vanpooling programs.

The Project Manager will be supported by a half-time secretary.

Richard Bradley, Executive Director of the Westport Transit District will devote approximately 25% of his time to the Demonstration Project, and will assume overall responsibility for direction of the Demonstration Project. He will assume direct responsibility for financial administration of the project.

In addition, it is anticipated that a small subcontract would be executed with ECI Systems, Inc. (Cambridge, Massachusetts) to provide technical support services during the pre-implementation phases for purposes of assisting in final system design, and continuing throughout the Demonstration in an advisory capacity. ECI Systems, Inc. would be awarded this contract on a sole source basis because of its previous involvement in developing the overall Demonstration Design for the project.

5.2 Legal and Accounting Activities

Considerable discussion of legal contracts to be executed and regulatory actions to be taken by the WTD has been furnished in Section 1.0 of this Work Program. It is anticipated that legal and accounting

activities will be "front-end loaded", requiring considerable attention in the six months preceeding the implementation of services.

The WTD will continue to utilize the services of its current counsel, Richard Berkowitz (Berkowitz and Balbirer, P.C., Westport, Connecticut), to carry out the legal actions and negotiate the contracts discussed in Section 1.0

The current WTD accountant, Leo Samitz (C.P.A.) will continue in this role during the Demonstration Project. Separate financial accounts will be set up for the Demonstration Project. All subcontractors working on a cost plus fixed fee basis will be audited regularly during the course of the Demonstration.

5.3 Promotion and Marketing

A comprehensive marketing and promotional program will be developed and executed by Shailer, Davidoff, and Rodgers (Fairfield, Connecticut), the current marketing consultants for the Westport Transit District. The marketing program, will stress system comprehensiveness and the complementary nature of the system components.

The current red, and white color scheme of the WTD bus fleet will be extended to the new van fleet. The system identifying "logo-", currently "Minnybus" and "Maxybus" for the 16 and 32 seat vehicles respectively, will be extended to include the new 12 passenger vans.

The goals of the marketing program will be:

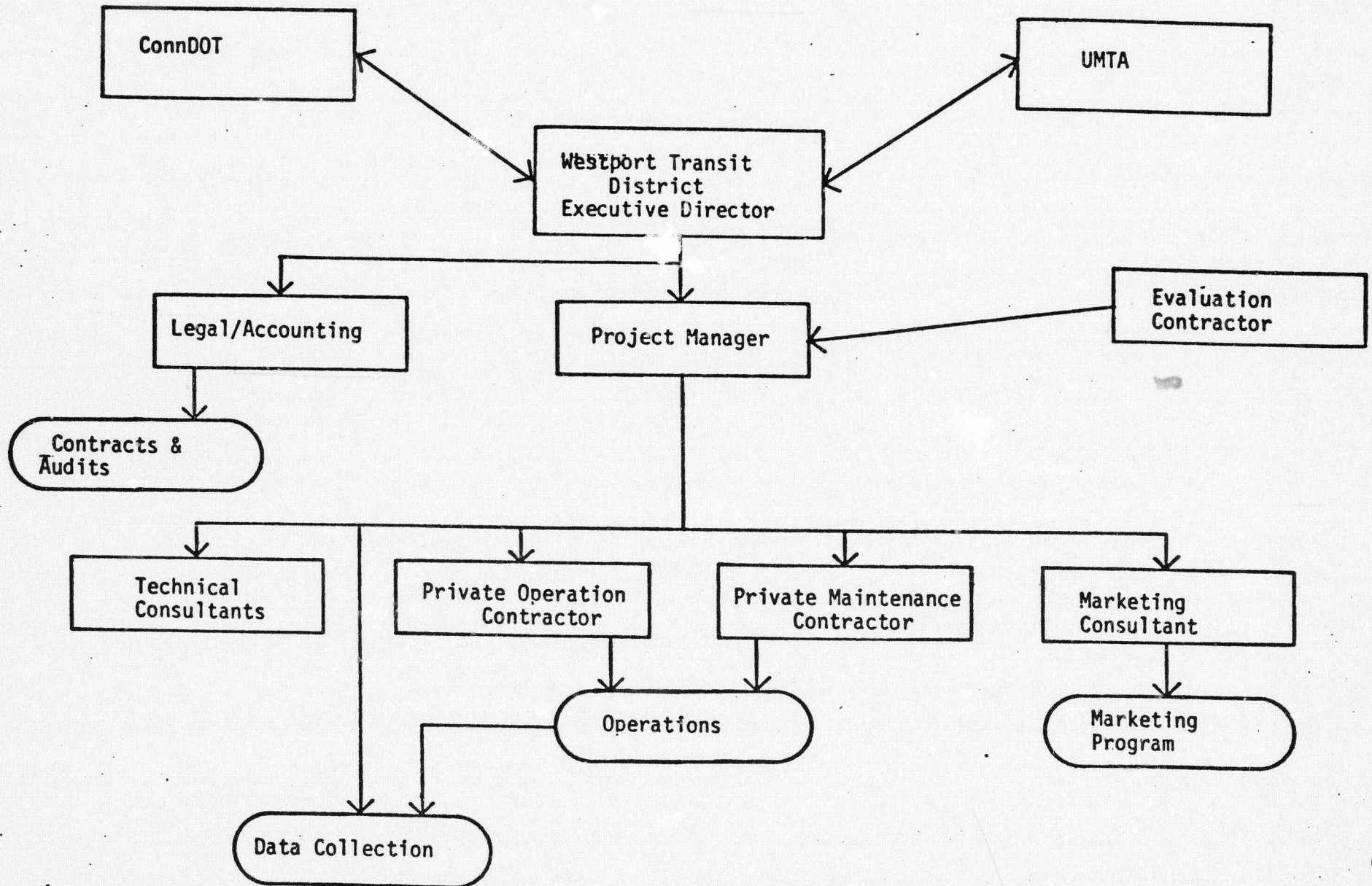
- (1) Full understanding of the available options within the system, (how to use them, when to use them) by the general population.
- (2) Increased awareness of taxi services as an alternative to the private automobile.
- (3) Extension of the positive image of current WTD services to the new paratransit services to be introduced.

The marketing program will rely largely on a combination of direct mail promotion, local newspaper advertising, in-vehicle advertising, and information displays located at the two central transfer points (i.e., Saugatuck Station and Jessup Green).

5.4 Data Collection

Data collection, reporting, and analysis are discussed in detail in Exhibit D of this application.

FIGURE 12
RELATIONSHIP BETWEEN PROJECT PARTICIPANTS



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TABLE 12
SUMMARY OF DEMONSTRATION ADMINISTRATION COSTS
(FY 76-77 DOLLARS)

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
Project Management			
Project Manager (full time)	\$20,400 ¹	\$20,400	0
Exec. Director WTD (1/4 time)	5,000	5,000	\$ 5,000
Secretary (1/2 time)	6,000 ¹	6,000 ¹	0
Materials and Supplies	2,000	2,000	0
Consultant Services	10,000	2,500	0
Legal and Accounting			
Legal Fees	12,000	3,000	2,500
Accounting Fees	3,000	3,000	2,500
Marketing and Promotion	23,000	15,000	7,500
Data Collection	<u>15,000</u>	<u>15,000</u>	<u>0</u>
TOTAL COST (EXCLUDING INFLATION AND CONTINGENCIES)	\$96,400	\$71,900	\$17,500
Inflation Factor	<u>1.00</u>	<u>1.08</u>	<u>1.1664</u>
TOTAL (EXCLUDING CONTINGENCIES)	\$96,400	\$77,652	\$29,120
Travel	<u>2,500</u>	<u>2,500</u>	
NEW TOTAL	\$98,900	\$80,152	

¹Includes 20% benefits.

6.0 CAPITAL ACQUISITION PROGRAM

The Demonstration Project will be executed using the existing vehicle equipment already owned by the WTD, new equipment which is expected in early spring as a result of a Capital Grant currently pending, and new equipment to be purchased directly under the Demonstration Program. Table 13 summarizes the total vehicle fleet which will be available during the Demonstration Project time period.

The Demonstration Service Plan (Section 2.0) will require that thirteen new 11 or 12 passenger van-type vehicles be purchased for use in the Demonstration. Van vehicles, it is believed, are the only currently available equipment with sufficient capacity and maneuverability to function as both conventional fixed route transit vehicles and as a taxi. A raised roof van is required because of the conventional transit utilization of the vehicle, and the implications of fare collection for that use on vehicle design.

A single fleet of uniform vehicles to be used for all contract services will allow the rotation of vehicles between services. It will allow the execution of a regular comprehensive preventive maintenance and servicing program, since all vehicles will not be in service for an entire day. Twelve vehicles will need to be available to meet the proposed service plan (see Table 14). Thirteen vehicles are requested under this Demonstration Grant Application; (to provide two back-up vans and a third back-up and service van when combined with the vehicles anticipated under the pending UMTA Capital Grant).

In addition to vehicles, capital assistance within the framework of the Demonstration is also requested to purchase fareboxes and radios for thirteen vehicles, a Con-Mode telephone response system, a transfer station shelter for Weston Center, two system information stands, and miscellaneous anticipated control room set up costs (see Table 15).

TABLE 13
SUMMARY OF EQUIPMENT OWNED OR PLANNED FOR ACQUISITION BY
WESTPORT TRANSIT DISTRICT

	<u>No. of Vehicles</u>	<u>Type of Vehicle</u>	<u>Seat Capacity</u>
A. Currently Owned Vehicles	8	Mercedes-Benz	16
	2	Twin Coach	32
B. Vehicles Pending through Capital Grant	3	Small Transit Coach	16
	2	Medium Transit Coach	32
	1	Raised Roof Van	12
	1	Raised Roof Van w/lift & wheelchair tiedown	7
C. Vehicles to be Purchased through Demonstration Grant	13	Raised Roof Van	11/12



TABLE 14

VEHICLE UTILIZATION

Vehicle Number	Hours of Service	Days	Weeks	Type of Service	Annual Service Hours				
					SR	SS	FRS	WF	WID
1	6AM-1AM	7	52	Shared Ride/Premium Ride Taxi	6916				
2	6AM-1AM	7	52	Shared Ride/Premium Ride Taxi	6916				
3	6:30AM-12 PM	7	52	Shared Ride/Premium Ride Taxi	6370				
4	7AM-12PM	5	52	Shared Ride/Premium Ride Taxi	4420				
	7AM-1AM	2	52	Shared Ride/Premium Ride Taxi	1872				
5	7:30-9 AM	5	52	Fixed Route Supplement (CRA)			390		
	9AM-5PM	6	52	Special Services		2496			
	5PM-7PM	5	52	Fixed Route Supplement (CBD1)			520		
	7PM-1AM	2	52	Shared Ride Taxi	624				
6	7:30AM-9AM	5	52	Fixed Route Supplement (CRB)			390		
	5PM-7PM	5	52	Fixed Route Supplement (CBD2)			520		
	7PM-1AM	2	52	Shared Ride Taxi	624				
7	7:30-9AM	5	52	Fixed Route Supplement (CRC)			390		
	5PM-7PM	5	52	Fixed Route Supplement (CBD3)			520		
8	7:30-9AM	5	52	Fixed Route Supplement (CRD)			390		
	5PM-7PM	5	52	Fixed Route Supplement (CBD4)			520		
9	7:30-9AM	5	52	Fixed Route Supplement (CRE)			390		
	2PM-8PM	5	39	Weston Feeder (Weekday)				1170	
	9AM-8PM	5	13	Weston Feeder (Summer Weekday)				715	
	9AM-5PM	1	52	Weston Feeder (Saturday)				416	
10	(Same as Vehicle 9)			Fixed Route Supplement (CRF)			390		
				Weston Feeder				1170	
				Weston Feeder				715	
				Weston Feeder				416	

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TABLE 14
VEHICLE UTILIZATION
(continued)

Vehicle Number	Hours of Service	Days	Weeks	Type of Service	Annual Service Hours				
					SR	SS	FRS	WF	WTD
11	(Same as Vehicle 9)			Fixed Route Supplement (CR6)			390		
				Weston Feeder				1170	
				Weston Feeder				715	
				Weston Feeder				416	
12	6AM-9AM	5	52	Fixed Route Supplement (CRH) *					780
	2PM-8PM	5	39	Weston Feeder					1170
	9AM-8PM	5	13	Weston Feeder					715
	9AM-5PM	5	52	Weston Feeder					416
A	6AM-8PM	5	12	Weston Connector					3640
	9AM-5PM	1	?	Weston Connector					416
B	5PM-7PM	5	52	CBD Supplement (CBD1)					520
C	5PM-7PM	5	52	CBD Supplement (CBD2)					520
D	5PM-7PM	5	52	CBD Supplement (CBD3)					520
E	5PM-7PM	5	52	CR Supplement (CRH) *					520
TOTAL SERVICE HOURS:				Shared Ride/Premium Ride Taxi	27,742				
				Special Services		2,496			
				Fixed Route Supplement			4,810		
				Weston Feeder				9,204	
				WTD Fixed Route Service					6,316

KEY: CBD(1) = CBD-oriented route
#1
CR (A) = Commuter Route A

* New route serving Saugatuck Shores

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EXHIBIT C
BUDGET

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Budget and Narrative Explanations Supporting Each Cost Item

The first part of this exhibit provides a narrative explanation explaining each cost item referred to in Section B of Part 3 (Budget Information) included in the "application for Federal assistance," which is presented in the front of this entire application package. The second part of this section is a summary of costs and revenue projections which are presented and explained in Exhibit B.

Explanation of budget categories -

a. Personnel - \$91,139 (Previous projection \$112,140)

The change is a result of first subtracting the Personnel cost for operating a fixed-route connector between Westport and Weston. The total cost for this service was \$85,613 (Year #1 2,580 x \$13.65 = \$35,217 and Year #2 3,440 hours x \$14.65/hr = \$50,396). Approximately 40% of this is driver cost or \$34,245. However, because vans will not be purchased for use in Weston, Transit District buses will have to be used on three commuter routes in the a.m. amounting to 390 hours/year/route or a total of 1,170 annual hours. This figure when multiplied by \$13.65, which is estimated cost per hour in Year #1 and \$14.65 for Year #2, equals \$33,110, of which 40% is \$13,244. So although \$34,245 is subtracted from Personnel, \$13,244 is added leaving a difference of \$21,001. (See Table #14 for projection of hours.)

b. Fringe Benefits - \$22,785 (Previous projection \$28,035)

Fringe Benefits are calculated as 25% of Personnel. The new total for Fringe Benefits represents 25% of the reduced amount for Personnel.

c. Travel - \$5,000 (Remains the same)

d. Equipment - \$196,200 (Previous projection \$236,200)

The change is the result of deciding not to purchase two vans at \$14,000 totalling \$28,000, the transfer station bus shelter at \$8,000, two radios at \$1250 totalling \$2,500, and \$1500 less for contingencies for a total of \$40,000 less.

- e. Supplies - \$176,180 (Previous projection \$236,125)
The difference is a result of first subtracting 69% of the cost for the Weston connector, \$51,368 (60% of \$85,613) and then adding 60% of the cost to add three more morning commuter runs (60% of \$33,110). Beyond this, those costs included for WTD under Weston Feeder services which were for supplies amount to \$28,443 (\$11,409 + \$17,034. See C-11) were also subtracted. The total subtracted amounts to \$59,945.
- f. Contractual - \$645,032 (Previous projection \$655,896)
There are a number of changes in this category. First of all, the contracted services for the Weston Feeder were subtracted (29,403 + 6,750 + 44,731 + 9,720) totalling \$90,604. Secondly, funds were added which would be paid to individuals who would be employed as occasional providers of service. In this case there would be two groups, commuters and non-commuters. For the commuters it was estimated that a provider would be paid \$2 a run. Assuming that an individual made two runs per day, the cost would be \$20 per week or \$1,040 per year. Under the demonstration an average of approximately 10 such providers would be used daily for $1\frac{1}{2}$ years, totalling \$15,600 ($\$1,040 \times 10 = \$10,400 + \frac{1}{2} = \$15,600$). For the non-commuter provider costs were estimated at \$7 per hour (\$4 for labor and \$3 for use of their car). Assuming that an individual would drive for two hours per day, the cost would be \$70 per week or \$3,640 per year. During the demonstration, there would be an attempt to use 9 of these providers daily for 18 months for a total of \$49,140. The totals for both groups of providers would be \$64,740. Additionally, another \$15,000 would be added to the consultant category to help design the implementation of the occasional provider service.
- h. Contingencies - \$63,856 (Previous projection \$85,814)
\$21,958 has been subtracted as a result of phasing out the Weston services.
7. Program Income - \$423,435 (Previous projection \$474,575)
The difference in revenue is the result of subtracting that which

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would have been derived from Weston services amounting to \$76,140 (\$28,140 Year #1 + \$48,000 Year #2. See C-8) and adding \$25,000 which is projected to be derived from the occasional providers service.

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Revised

1.0 SUMMARY OF GROSS COSTS

The Work Program identified specific project costs in FY 76-77, FY 77-78 and FY 78-79 dollars without consideration of contingencies. Table 16 summarizes these anticipated gross project costs and estimates anticipated project costs based on the following assumptions:

- (1) Inflation over the period of the Demonstration Project will average 8% per year.
- (2) Contingencies of 10% are appropriate for all anticipated costs exclusive of Demonstration Administration and Capital Costs.

TABLE 16

SUMMARY OF ESTIMATED DEMONSTRATION PROJECT GROSS COSTS

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
I. Non-Capital Demonstration Costs			
A. Operating Costs	230,307	302,874	329,219
B. Control Room Costs	44,158	58,715	63,412
C. System Management Fees	20,000	25,290	27,994
D. Demonstration Administration Costs	113,900	80,152	29,120
E. Contingencies	26,127	37,729	-
F. Special Contract Service	<u>21,580</u>	<u>43,160</u>	<u>46,613</u>
TOTAL:	456,072	547,920	496,358
II. Capital Demonstration Costs			
TOTAL:	196,200	-	-

2.0 ESTIMATION OF DEMONSTRATION PROJECT REVENUES

Revenues will be attributed to the Demonstration Project, as discussed in the Work Program, from the following sources:

- (1) Weston Pass Sales: All revenues generated from annual commuter and regular pass sales to Weston residents will be attributed to the Demonstration Project.
- (2) Westport Pass Sales Surcharge: A surcharge will be added to all Westport annual pass sales after July 1, 1976. The surcharges will be \$5 for regular passes and \$40 for commuter passes in the first year, rising to \$6 and \$40 in the second year. These surcharges will be attributed to the Demonstration Project.
- (3) Shared Ride/Premium Ride Taxi Revenues: All revenues collected by the shared ride/premium ride taxi system will be attributed to the Demonstration Project.
- (4) Miscellaneous Project Revenues: All farebox cash revenues collected by the van vehicles in supplementary fixed route service, goods movement or special markets service, or in Weston feeder service will be attributed to the Demonstration Project.

Table 17 summarizes the projected revenues which will be realized and attributable to the Demonstration Project accounts.

TABLE 17
SUMMARY OF PROJECT REVENUES

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
A. <u>Revenues Occasional Provider Service</u>			
(1) <u>Year 1</u>	8,500		
(2) <u>Year 2</u>		26,500	
(3) <u>Year 3</u>			25,000
B. <u>Pass Sales: Westport Surcharges</u>			
(1) <u>Year 1</u>			
5000 CBD passes @ \$5	18,750		
450 commuter passes @ \$40 (pro-rated for 9 mos.)	13,500		
(2) <u>Year 2</u>			
5000 CBD passes @ \$6		30,000	
450 commuter passes @ \$40		18,000	
(3) <u>Year 3</u>			
5000 CBD passes @ \$7			35,000
450 commuter passes @ \$45			20,250
C. <u>Shared-Ride Taxi Revenues</u>			
(1) <u>Year 1</u>			
Months 3-6: 200 @ \$2	45,560		
Months 7-12: 225 @ \$2	82,125		
(2) <u>Year 2</u>			
Months 13-24: 250 @ \$2		182,500	
(3) <u>Year 3</u>			
Months 25-36: 300 @ \$2.25			246,375
D. <u>Miscellaneous Revenues</u>	<u>3,000</u>	<u>7,916</u>	<u>7,000</u>
TOTALS:	171,435	264,916	333,625

3.0 SUMMARY OF NET PROJECT COSTS

Sections 1.0 and 2.0 summarize gross project costs and revenues. Table 18 summarizes Net Project Costs, and attributes these net costs to three sources of funding:

- (1) The Urban Mass Transportation Administration (UMTA)
- (2) The Connecticut Department of Transportation (ConnDOT)
- (3) The Westport Transit District (WTD)

Non-capital net costs will be distributed on the following matching basis:

UMTA	65%
ConnDOT	25%
WTD	10%

Capital costs will be distributed:

UMTA	80%
ConnDOT	20%

TABLE 18

ESTIMATE AND DISTRIBUTION OF NET PROJECT COSTS

	<u>FY 76-77</u>	<u>FY 77-78</u>	<u>FY 78-79</u>
I. <u>Non-Capital Elements</u>			
Costs	456,072	547,920	496,358
Revenues	<u>171,435</u>	<u>264,916</u>	<u>333,625</u>
Net Costs:	284,637	283,004	162,733
DISTRIBUTION OF NON-CAPITAL COSTS:			
UMTA (80%)	226,637	226,403	
ConnDOT)	50,000	48,601	
WTD) (20%)	8,000	8,000	
II. <u>Capital Elements</u>			
Costs	196,200	-	-
Revenues	<u>-</u>	-	-
Net Costs:	196,200	-	-
DISTRIBUTION OF CAPITAL COSTS:			
UMTA (80%)	156,960		
ConnDOT (20%)	<u>39,240</u>		
	196,200		
III. <u>Total Costs: All Elements</u>			
UMTA	383,597	226,403	
ConnDOT ¹	89,240	48,601	

¹It is anticipated that a large percentage of this contribution would be transferred from existing commitments.

ATTACHMENT C

BREAKDOWN OF ESTIMATED OPERATING COSTS BY SUBCONTRACTOR (FY 76-77 DOLLARS)

	FY 76-77			FY 77-78		
	<u>Private Operator</u>	<u>Private Maintenance</u>	<u>WTD</u>	<u>Private Operator</u>	<u>Private Maintenance</u>	<u>WTD</u>
A. Supplementary Fixed-Route Service	17,483	6,750	8,119	21,645	9,000	10,763
B. WTD Fixed-Route Services	-	-	43,202	-	-	50,494
C. Shared-Ride/Premium- Ride Taxi	100,850	6,750	29,505	124,839	9,000	36,905
D. Special Services	<u>11,232</u>	<u>2,250</u>	<u>4,166</u>	<u>11,232</u>	<u>2,250</u>	<u>4,166</u>
TOTALS:	129,565	15,750	84,992	157,716	20,250	102,328
Inflation Factor:	<u>1.00</u>	<u>1.00</u>	<u>1.00</u>	<u>1.08</u>	<u>1.08</u>	<u>1.08</u>
TOTALS:	129,565	15,750	84,992	170,333	21,870	110,514

Yearly Totals:

230,307

302,717

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EXHIBIT D
PROJECT AREA

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Project Area

1. Area Characteristics - The following represent two independent descriptions of the communities involved in the study of Westport and Weston.

Principal Characteristics of Westport - The Town of Westport encompasses an area of 20 square miles in southwestern Connecticut, with approximately eight miles of shoreline fronting on Long Island Sound. It is located in Fairfield County, and lies within the northeast corridor between New York City and Boston. Westport is served by three east-west interregional highways, namely, U. S. Route 1, the Merritt Parkway, and the Connecticut Turnpike; Route 33 and Route 57 serve as main north-south highways.

Population, Housing, Income and Employment - Westport's population, from the 1970 census data, is approximately 27,400. This population is housed in 8,485 housing units, resulting in an average of 3.22 persons per housing unit.

There were 17,511 motor vehicles registered in Westport in 1970. Thus, there were about 2.2 vehicles per housing unit.

The average annual income per household in Westport after payment of Federal income tax, in 1969 was \$21,380. This compares with an average for Connecticut of \$12,074.

Employment data from the Connecticut Labor Department for June, 1969, shows a total of 7,500 persons employed in Westport, with only 560 of these employed in manufacturing. Also, about 1,800 Westport residents commute to work via the New Haven Division of the Penn Central Railroad.

The preceding data portrays Westport as a medium-sized community inhabited by families with incomes sufficient for good housing and a high rate of car ownership. The large number of persons commuting by railroad has a significant effect on the traffic pattern in Westport during the peak hours.

Because of the affluence of the community and its low density of residential development, the chief mode of vehicular transportation within Westport is that of the private automobile. For those persons without access to an automobile, there is a small taxi company and limited bus service operated by the Connecticut Railway and Lighting Company along the Boston Post Road. These buses operate hourly between Bridgeport and Norwalk, and the franchise allows pickups and discharge of passengers at points along the Post Road within Westport.

Land Use and Zoning - In terms of land use, Westport is predominantly residential in character. Most of the land zoned for residential use can be developed only for relatively large lots, one-half acre to two acres in size. A few small pockets of zoning allowing lots of 6,000 square feet exist because of older development, but are insignificant in relation to the total town area.

Business zoning and land use is restricted largely to a narrow strip on both sides of U. S. Route 1 completely through the town and an area for the central business district located where Route 1 crosses the Saugatuck River. There is a secondary business district just north of the Saugatuck Railroad Station. The zoning regulations allow Design Development Districts to be established by special permit for commercial and industrial development in areas now zoned residential. Very little development has actually taken place under this regulation.

Future Growth Trends - The only official population projection for Westport was that made by the Connecticut Office of State Planning in December, 1968. Their estimate of the 1980 population of Westport was 46,500 persons. Since that time, the results of the U. S. Census of 1970 have become available to form a more accurate base for projections.

A study of the census figures for the population in Westport since 1950 gives some direction for future projections. The population of 11,700 in 1950 grew to 21,000 in 1960, an 80-per-cent increase, which is equivalent to a 6-per-cent annual growth rate. The increase to 27,400 in 1970 was 30 per cent, or at an annual growth rate of 2.75 per cent. The slowing of the growth rate is not unusual for a community that has limited amount of land available for new development.

Because of the character of the town and its land development controls, Westport is not likely to grow at a rate faster than that maintained from 1960 to 1970. If this annual rate of 2.75 per cent is applied to the present population of 27,400, the 1980 population would be 35,000. Even if Westport's zoning regulations are revised to allow some low-rise apartment development, it is unlikely that the future rate of growth will exceed that of the past decade.

The data for taxable motor vehicles in Westport shows that the number of motor vehicles has been increasing at a faster rate than the population. From 1950 to 1960 the number of vehicles increased from 5,924 to 11,747, which was at an average annual rate of 7 per cent. From 1960 to 1970 the

increase was from 11,747 to 17,511, at an average annual rate of 4 per cent. If this annual rate is assumed for the decade 1970 to 1980, the number of registered vehicles in Westport in 1980 would approximate 25,900.

Principal Characteristics of Weston - The following description of Weston is taken from a 1969 Town Plan of Development. Since that time the population has increased to over 8,000 residents. Weston has a total area of 19.9 square miles.

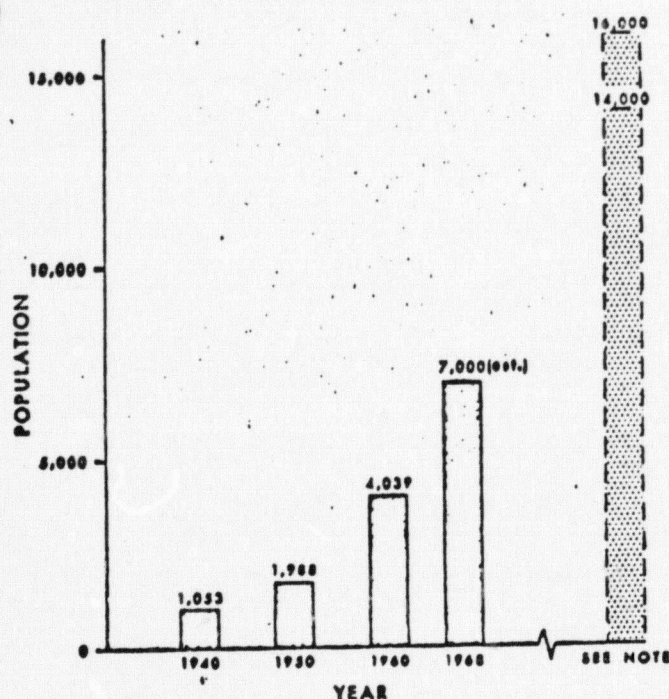
THE PEOPLE OF WESTON

GROWTH PATTERNS

In sharp contrast to the population decline during the early part of this century, Weston has experienced a spectacular growth rate since the 1930's. During the 1940's and 1950's, Weston had the highest growth rates in the South Western Planning Region. From 1940 to 1950, the population of Weston increased 88 percent, compared to a 23.6 percent increase for the South Western Planning Region. Between 1950 and 1960, the population of Weston more than doubled, increasing 104 percent, compared with a 38.1 percent increase for the Region.¹

Various estimates indicate that Weston's present population is in the vicinity of 7,000 persons. This represents about a 75% increase in the last eight years, or a growth rate which has remained at the very high level experienced between the end of World War II and 1960. Since this means a much greater absolute increase than in the two previous decades, Weston's growth in the 1960's has been nothing short of spectacular. Although it is inevit-

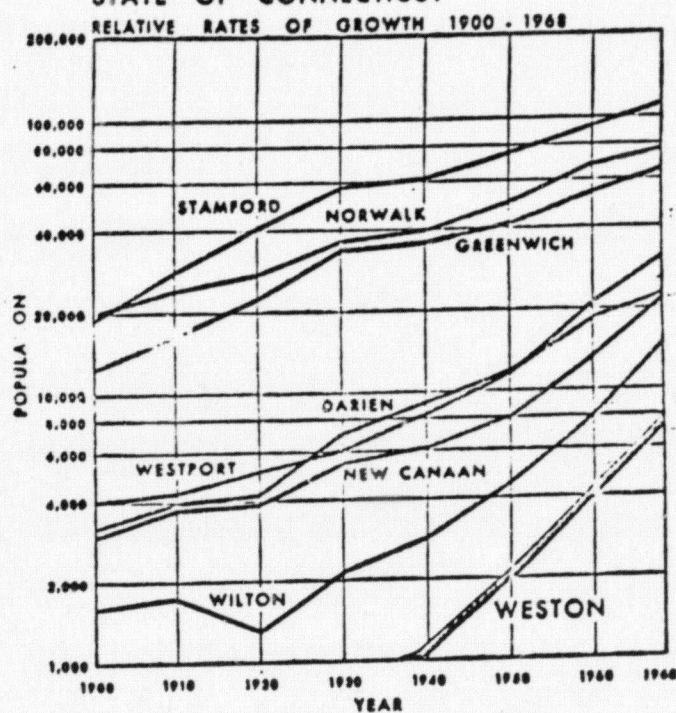
WESTON'S POPULATION GROWTH 1940 TO FULL DEVELOPMENT



NOTE: Assuming the present absolute growth rate (approximately 100 dwelling units per year), Weston will reach full development in about 20 years (by 1988). At the present percentage growth rate (approximately 8% per year), full development would occur in about 18 years (by 1983).

SOURCE: U. S. CENSUS, WESTON TOWN CLERK (1960),
F. P. CLARK ASSOC. (PROJECTION).

POPULATION TRENDS SOUTH WESTERN PLANNING REGION STATE OF CONNECTICUT



SOURCE: U. S. CENSUS, S.W.P.R.A.

able that this rate will decrease, it is likely that the magnitude of the annual absolute increase will continue to rise for many years to come.

SOURCES OF GROWTH

In both the ten year intervals, 1940 to 1950 and 1950 to 1960, Weston experienced the greatest growth rate of all of the towns and cities comprising the South Western Planning Region.

Population growth in any given geographical area is due to either natural increase, that is, an excess of births over deaths, or to net in-migration, more people moving into the Town than those leaving it, or to both reasons.

Net in-migration has accounted for a larger proportion of the population increase in Weston than it has in any of the other municipalities comprising the South Western Planning Region. Net in-migration accounted for 89.4 percent of Weston's growth from 1940 to 1950, and 87.2 percent of the growth from 1950 to 1960. Net in-migration, however, accounted for only 59.6

¹ - South Western Regional Planning Agency, "Population, Technical Report #1," undated, Page 16.

percent of the growth in the South Western Region from 1940 to 1950, and 60.7 percent of the growth between 1950 and 1960.² In general, net migration has accounted for a larger proportion of recent population increase in the five smaller communities in the South Western Planning Region than in the three largest cities of Greenwich, Norwalk and Stamford.

Many of the persons who are moving to the suburbs evidently find Weston very attractive. The "rural character" and the extremely low density of 202 persons per square mile in 1960 have probably contributed much to the Town's popularity, and it can be expected that past in-migration trends will continue in Weston as the New York Metropolitan Region increases in size.

POPULATION COMPOSITION

A comparison of the population distribution for Weston with that for the South Western Planning Region shows that the percentage of the Town's residents in the 15 to 34 and in the 55 and over age groups is considerably less than the corresponding figures for the South Western Region as a whole. The percentage of Weston's population in the 5 to 14 year school age group, however, is considerably larger than the average for the South Western Region. Adults, ages 30 to 49, who are the parents of school age children and, to a lesser extent, the

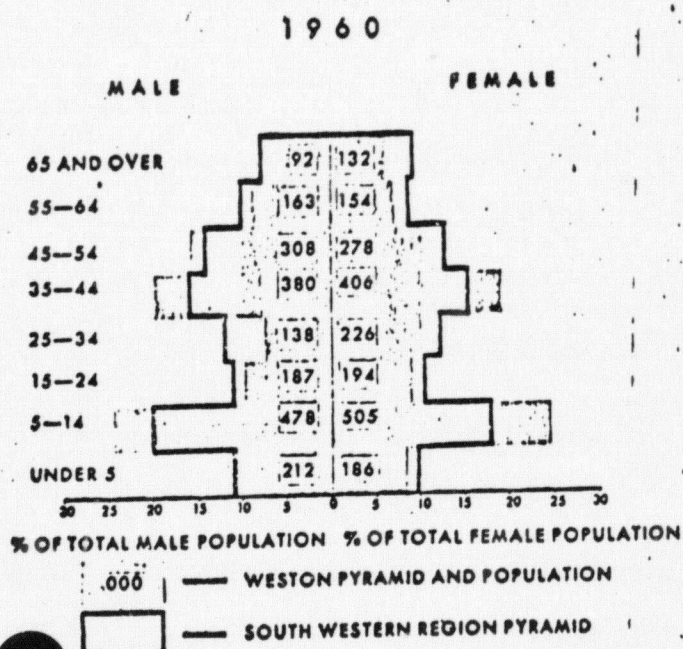
45 to 54 year age group, also account for a larger share of the Weston population than do the same age groups for the South Western Region. These population characteristics are most probably a result of economic factors, such as 2 acre zoning and transportation costs, which make Weston less feasible a residential location for young married couples, but especially attractive to families which are stable in size and headed by a wage earner who is well established in his occupation.

To some extent, the general narrowness of the 30 to 39 age groups in both the Town and Regional population distributions may be attributed to the low birth rates during the 1930's. The trend toward increasing birth rates following the Second World War is reflected in the exceedingly broad base of the population pyramid provided by the 1 to 15 year age groups.

Evident in both population distributions, but more apparent in the Weston population, is a significant excess of females over males in the 25 to 34 year age group. To a large extent, this is the result of wives being younger than their husbands. Sleep-in domestic help might also account for some of the excess.

In 1960, 42, or slightly more than 1 percent, of the 4,039 residents in Weston were non-white. Of the 1,150 households in the Town, 3 are classified as being non-white in the 1960 U.S. Census of Population.

COMPARATIVE AGE AND SEX PYRAMIDS WESTON AND SOUTH WESTERN REGION



HOUSEHOLD SIZE

In 1960, Weston had a total of 1,150 resident households, with an average size of 3.51 persons, according to the U.S. Census. This compared with an average household size of 3.33 persons for the South Western Region, 3.29 persons for Fairfield County, and 3.27 persons for the State.

The long-term trend in household size has been downward since at least the turn of the century, although it is slowing down as it approaches an average of three persons. One of the most important reasons for this trend has been the increasing independence of older persons due to pensions, social security and life insurance. This leads older couples and widowed persons to maintain independent households as their children grow up, causing the average household size to decrease.

Trend data for Weston with respect to household size is not available on the U.S. Census. In the case of towns which are very similar to Weston and which have already experienced the growth patterns that the Town is now involved in, however,

there has, in general, been a gradual decrease in household size. It appears likely, therefore, that household size in Weston will follow a downward trend very similar to that which exists nationally.

EMPLOYMENT CHARACTERISTICS

In a recent community survey, more than three-fourths of those employed residents who responded indicated their occupations as professional or technical, or considered themselves to be managers, proprietors, or executives. Slightly over ten percent of the respondents stated that they held sales or clerical positions, and four percent indicated that they were craftsmen or foremen. Only three percent of Weston's working residents gave their occupation as laborer or service worker, while another three percent stated that they were employed as private household workers.

Where do Westonites work? More than one-half, or 53.8%, of all employed residents work in Fairfield County. The New York City-Long Island area is the place of employment of 38.2% of the working population of the Town. Other areas of Connecticut, outside of Fairfield County, and other areas of New York State, not including New York City and Long Island, are the working places, respectively for 3.7% and 3.3% of the employed population of Weston. Only 1.0% of the employed Weston people work in states other than Connecticut and New York.

An analysis of the detailed responses to the community survey shows that those who work in Stamford, Bridgeport, Westport, and other Fairfield County centers tend to be proportionately above-average in the "professional and technical" category. Residents who work in New York City are mostly in the "manager, proprietor, executive" group, although the proportion of "technical and professional" workers is only slightly below average for the Town's working residents. Residents who work in Weston itself are proportionately higher in the clerical, sales, craftsman-foreman, laborer, service and household worker groups, although the largest single group (30.7%) of hometown workers was in the professional-technical category.

POPULATION DENSITY

In 1960, Connecticut was the fourth most densely populated state in the United States, with an average density of 518 persons per square mile. At that time, the South Western Planning Region had an overall population density of 1,337 persons per square mile.³

Weston, the outermost town within the South

Western Planning Region, had a population density of only 202 persons per square mile, less than two-thirds that of its immediate neighbor, Wilton, the next least densely settled town in the Region. Norwalk, at the same time, had the highest population density in the South Western Region, which was more than fifteen times the density of Weston.⁴ Expressed in other terms, Weston accounts for 9.7 percent of the land area of the South Western Region, but only 1.4 percent of its population.

POTENTIAL POPULATION UNDER EXISTING ZONING

An estimate of the total possible population of Weston at full development is largely a function of the zoning and development standards which will control future growth. Using a map of the Town which shows existing land use as of the end of 1967, a study was made of the maximum number of new homes that could be built on all open land available and suitable for residential development, with lots and streets meeting all current zoning and subdivision regulation requirements.

As a result of this study, it was found that there is a potential for about 2,500 additional homes within the Town. (For a detailed discussion of the method and findings, see the "Residential Development" section of this report.) If the average family size of 3.5 persons in 1960 were to continue and each house were to be occupied by only one family, these additional homes could increase the Town's population by 8,750. There are now at least 150 homes occupied only during the summer. As time passes, many of these will change to year-round occupancy. If it were assumed that almost all of these will become so occupied, the additional population would be about 500. Added to the 1967 estimated population of 6,500, the ultimate total for Weston could be about 16,000 persons.

However, there is one important complication in estimating future population growth in Weston, and that is the zoning regulation permitting two families to live in each house. No known method of estimating the likely amount of the above type of development being available, this aspect of the Town's potential population growth must be considered an open-ended matter. If it were assumed that one-quarter of the Town's total potential number of houses were to be occupied by two households with an average of two or more persons

3 - Ibid. Page 24.

4 - Ibid. Page 24.

per apartment, the Town's total population could be greater than 18,000.

Another factor affecting Weston's population at full development will be the policies adopted and actions taken by the Town to acquire or otherwise set aside areas as permanent open space. The inclusion of developable lands in this category will, of course, reduce the total number of possible new homes. In addition, land set aside for the expansion of schools and other public and semi-public facilities will further reduce this figure.

Considering together the potential for future home development, the effects of permitting two families in each house and the reservation of some developable land as open space, it is extremely difficult to project with any accuracy what Weston's population will be when it is fully developed. The total could range anywhere from 14,000 to 18,000 people. The exact figure will largely depend on what action is taken by the Town to implement the policies and recommendations included in the "Plan of Development" sections of this Town Plan. Based on the assumption that these recommendations will be substantially implemented, it is likely that Weston will reach a population of 15,000 at full development.

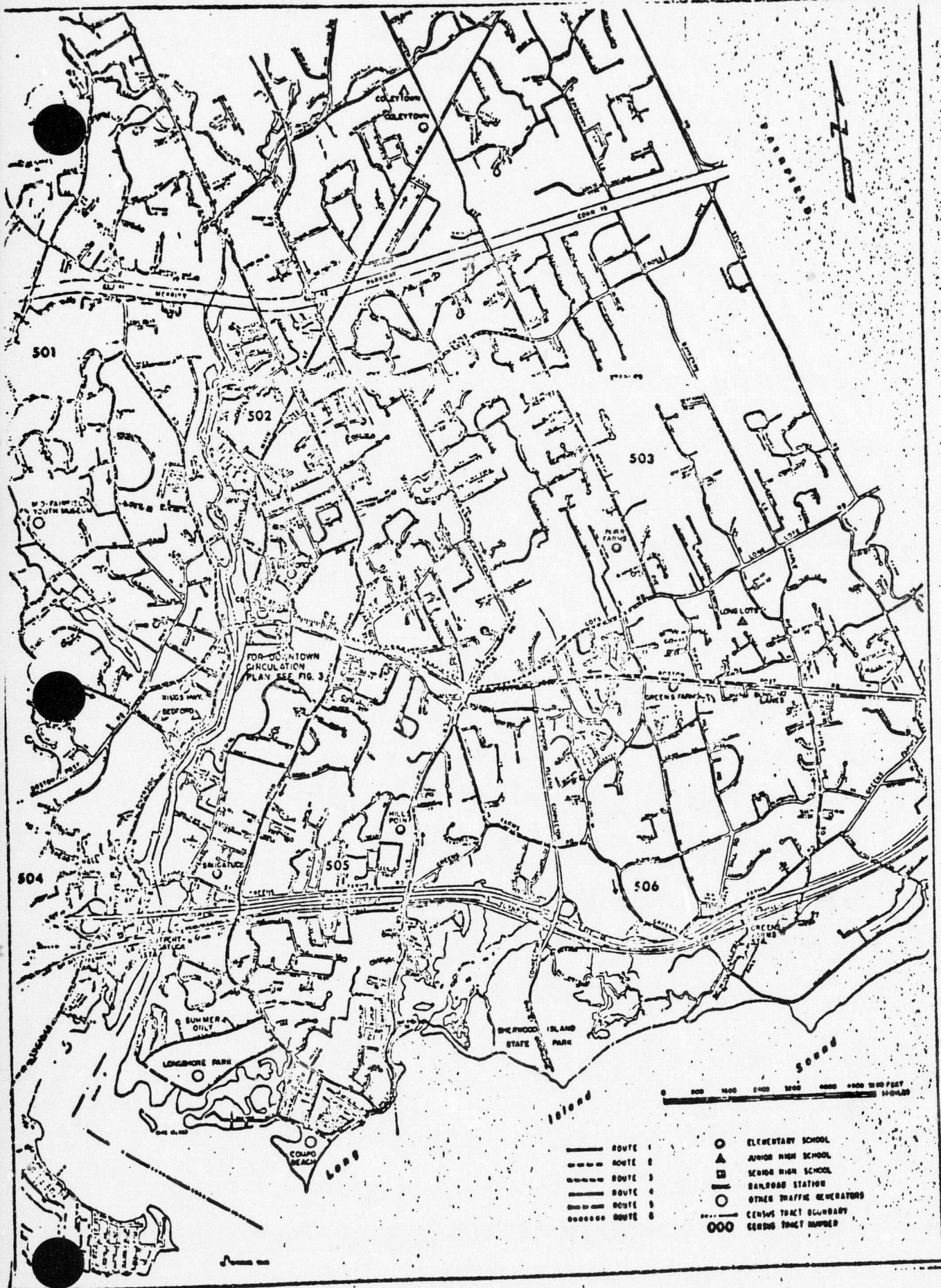
FUTURE GROWTH PROSPECTS

As mentioned previously, Weston is part of the "Intermediate Ring," as defined by the Regional Plan Association, of the New York Metropolitan Region. This ring has experienced the greatest

annual growth rate in the Region since 1950, and it is expected to hold this position for several years into the future. The pressures for growth in the South Western Planning Region, and in Weston, will, therefore, be considerable.

If it is assumed that Weston's current annual building rate of about 100 houses were to continue, the Town could reach its maximum development in about twenty-five years. However, many of the towns and cities in the surrounding area are getting nearer and nearer to their maximum potential population. Unless there are radical shifts in the planning and zoning policies of these towns and cities, the more undeveloped towns (those just to the north of the shoreline municipalities) will have to take a steadily increasing share of the growth as the years go by. This portends an even more rapid future population growth for Weston.

The question concerning Weston, therefore, is not if it will continue to grow until it reaches full development, but how much development there will be, when such development will occur, and what form it will take. It is not necessary for present town planning purposes, however, that ultimate population projections be precise in amount or time. It suffices to know that such growth is a reasonable expectation in the not too distant future, and is a reasonable basis upon which to plan. It should be noted, however, that future changes in the Town's zoning would have an effect on future population growth, and this aspect of Town development should be checked periodically.



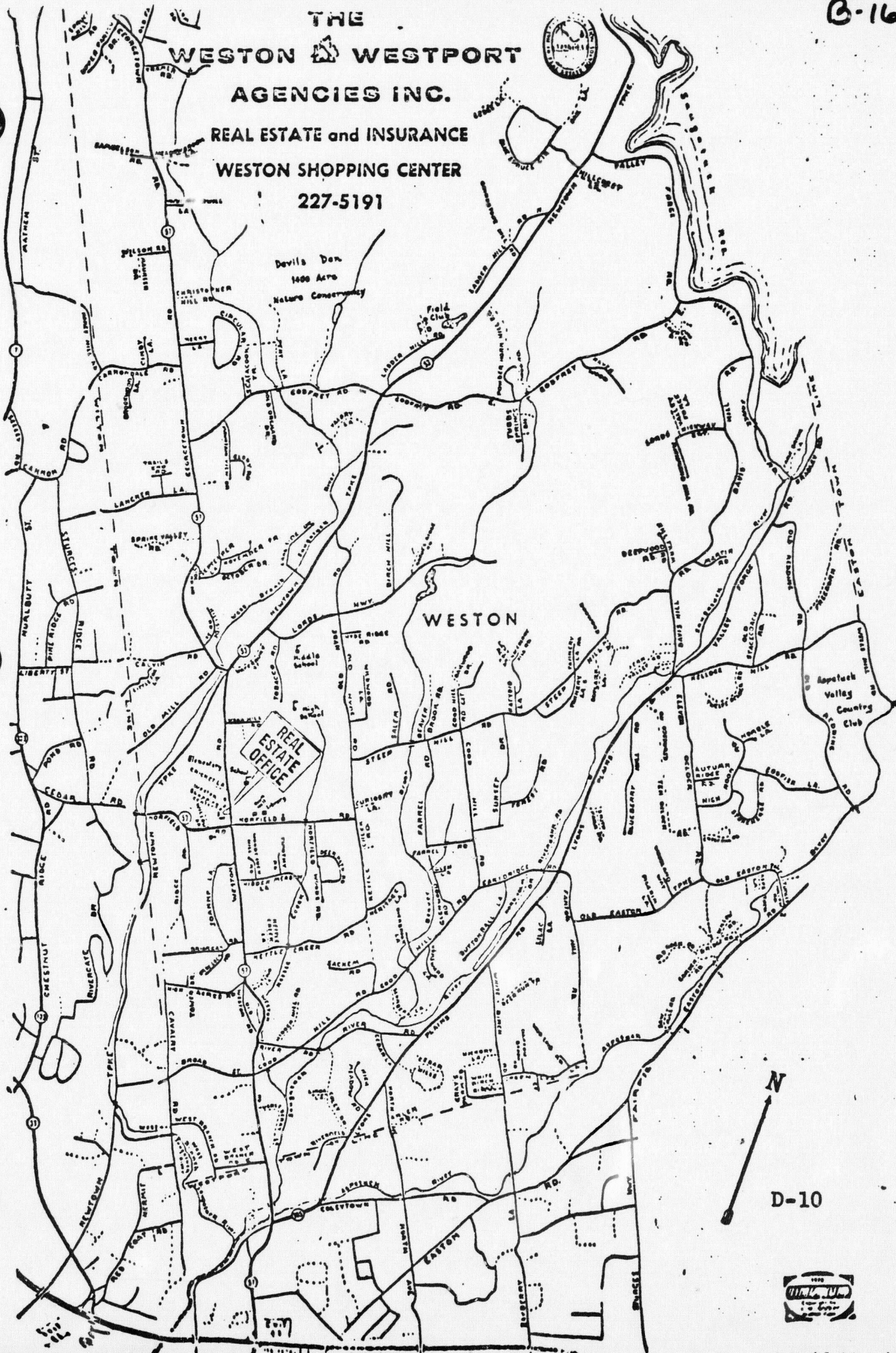
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THE
WESTON & WESTPORT
AGENCIES INC.

REAL ESTATE and INSURANCE

WESTON SHOPPING CENTER

227-5191



D-10



3. Planning Considerations - As was mentioned before, the South Western Regional Planning Agency, which covers the area of Connecticut from Greenwich through Westport-Weston, is about to sign a consultant contract to undertake a regional study of transportation needs. Listed in Appendix is the Request for Proposal which was submitted to the consultants and describes the scope of work to be done under the contract. It is estimated that the study will take between Six and nine months to complete.
4. Concurrences

SOUTH WESTERN REGIONAL PLANNING AGENCY

137 Rowayton Avenue

Rowayton, Connecticut 06853

December 17, 1974

PRELIMINARY DRAFT

REQUEST FOR PROPOSAL

SOUTH WESTERN REGION MASS TRANSIT STUDY

The South Western Regional Planning Agency has entered into an agreement with the Tri-State Regional Planning Commission to undertake a continuing Comprehensive Transportation Planning Program for the South Western Region. The funds for this program come from both the Urban Mass Transit Administration and the Federal Highway Administration at the Federal level and the Connecticut Department of Transportation at the State level. The local share is provided by this Agency, which is, in turn, supported by its seven member municipalities: Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, and Westport.

A major part of this year's program is a special project, the South Western Region Mass Transit Study. This request for proposal has been prepared for the purpose of sending out requests to consulting firms for proposals for the scope of services to be performed in undertaking this technical study.

The money available for the study totals \$25,000.

The South Western Regional Mass Transit Technical Coordination Committee, which is being established for the Agency's mass transportation program, will provide for technical coordination between the Agency staff, Local government and the consultant. The contract period for the study will be five months. The official composition and role of this technical coordinating Committee is described below under Conduct of Study.

All proposals should include an outline of the scope of services to be performed and completed contract proposal as presented in the attached "Guidelines for Contract Negotiations."

What we expect from the consultant we choose is described in three parts: Scope of Work, Conduct of Study, and Results.

SCOPE OF WORK

Objective The objective of this study is to develop a short range (five year) transit development program for the South Western Region.

Scope of Work Using an inventory of existing public transit service including local bus and mini-bus operators, taxi cab companies, demand response systems, and school bus service, which inventory shall have been prepared by the regional staff, with the assistance of the municipalities, and using recently prepared transit feasibility studies in Norwalk, Stamford and Westport, the consultant shall:

1. Determine the needs for a system of public transit in the South Western Region, with special emphasis on the needs for the transit - dependent segments of the population, such as the young, the elderly, the handicapped, and the economically disadvantaged.
2. Evaluate the adequacy of existing transit service in fulfilling these needs and assess the performance of the present transit system.
3. Formulate alternative recommendations for the transit system including specific routes, scheduling, fares, transfer points, equipment, facilities including garage and maintenance facilities, management, operations, and alternatives to the traditional local bus service.
4. Evaluate the proposed system on a route basis in terms of estimated patronage and fulfillment of identified transit needs, revenues, and operating costs.
5. Formulate alternative management options concerning policy and cost sharing.
6. Determine overall improvement costs and identify funding sources.
7. Establish priorities for the implementation of transit proposals.
8. Coordinate work with South Western regional transportation program, participating municipalities and state transit management district activities.

AREAS OF SPECIAL EMPHASIS

It is desired that a regional system be identified that satisfies intermunicipal and interregional transit needs including:

1. Center to center service
2. Service to regional facilities
3. Service to major employment areas
4. Service complementing and coordinating with rail service, (both commuter and intercity).

It is desired that recommendations for intra-town systems be identified in the following municipalities after coordination and consultation with local officials in each town of Darien, Greenwich and New Canaan.

CONDUCT OF STUDY

Composition and role of technical coordinating committee The
c) sition of the technical coordinating committee shall be:

- a) The officially appointed representative of each Chief Elected Official in the region of those municipalities that decide to participate.
- b) A representative of the regional planning agency (sponsor)
- c) A representative of the Tri-State Regional Planning Commission
- d) A representative of the Connecticut Department of Transportation

The committee will provide for technical coordination between the Agency staff, Local Government, and the consultant.

Additional persons, representing existing transit districts, areawide agency on aging and other specific groups, who in the opinion of the technical coordinating committee should be consulted.

Final decisions on contract and policy matters pertaining to the study will be made by the South Western Regional Planning Agency after recommendation by the officially appointed technical coordinating committee.

Coordination and Consultation

The consultant will coordinate with, and consult with local, regional, and State officials as specified by the Committee at frequent intervals throughout the study.

Priority of Services

The needs of the seven member municipalities will have priority, since the very existence of the Agency is based on their annual voluntary financial contributions.

RESULTS OF STUDY

Conformance with UMTA Requirements

It is desired that the results of this study be such as to provide UMTA officials with a fully adequate basis upon which to make judgments concerning any subsequent capital grant application or applications.

Separability for Local Use

It is desired that the format of the report be such that portions may be separated to facilitate individual use by participating towns.

Basis for Capital Grant Applications

It is desired that this study be fully sufficient to form the basis for local, intertown, or state capital grant applications.

TRANSIT DISTRICT PROCEDURE

Information Needed for Feasibility Studies

- 1) Information on taxis.
 - Fare
 - Average number of daily riders
 - Number of vehicles
 - Areas most frequently serviced
- 2) Information on bus service.
- 3) School Statistics.
- 4) Up-to-date traffic counts.
- 5) Parking Information.
 - Number of spaces and type of parking (i.e. commuter, on-street, off-street,
 - Plans for Expansion of parking and costs
 - Number of cars using parking facilities in Central Business District and duration.
- 6) Information on travel times on main roads.
- 7) New business construction planned or proposed.
- 8) List of traffic generators.
- 9) Local programs for the elderly.
- 10) Local medical facilities, travel demands generated by them, and modes presently used.
- 11) Generalized description of bus service needed in the community for the following:
 - Elderly
 - Disadvantaged
 - Handicapped
 - Commuters
 - School Children
 - Shoppers
 - Domestic
 - Inter-town (which towns?)

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EXHIBIT E
LABOR

E-1

Included in this exhibit is a 13c agreement which was filed as part of the first capital grant application submitted by the Westport Transit District to UMTA on October 26, 1973. It is a general agreement signed with no specific organization in the area, which states the intent of the District assuring that it would in no way adversely affect employees in the mass passenger transportation industry within the service area of the project. Both the application and the agreement were approved by UMTA. The original application was approved by UMTA (Project No. CT-03-0003) on April 22, 1974.

This same agreement was submitted as part of an amendment to the original application which the Transit District expects to be approved shortly. It was submitted as part of a Section 5 application submitted by the Connecticut Department of Transportation on behalf of the Westport Transit District for subsidy assistance during fiscal year 1975. This application was approved. The same agreement has been included in the application which the State is presently preparing for Section 5 funds for fiscal year 1976.



311 East State Street
Westport, Conn. 06880
Information 226-7171
Office 226-0422

January 26, 1976

The Public Body (Westport Transit District) agrees that the following terms and conditions shall apply for the protection of employees in the mass passenger transportation industry in the service area of the Project:

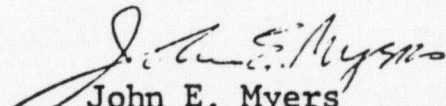
1. The Project shall be carried out in such a manner and upon such terms and conditions as will not in any way adversely affect employees in the mass passenger transportation industry within the service area of the Project.
2. All rights, privileges and benefits (including pension rights and benefits) of employees (including employees already retired) shall be preserved and continued.
3. No employee shall be laid off or otherwise deprived of employment or placed in a worse position with respect to compensation, hours, working conditions, fringe benefits, or rights and privileges pertaining thereto at any time during his employment as a result of the Project, including any program of efficiencies or economies directly or indirectly related thereto. An employee shall not be regarded as deprived of employment or placed in a worse position with respect to compensation, etc., in case of his resignation, death, retirement, dismissal for cause, or failure to work due to disability or discipline.
4. The Public Body shall be financially responsible for any such deprivation of employment or other worsening of employment position as a result of the Project.
5. In the event an employee is terminated or laid off as a result of the Project, he shall be granted priority of employment or reemployment to fill any vacant position for which he is, or by training or retraining can become, qualified. In the event training or retraining is required by such employment or reemployment, the Public Body shall provide or provide for such training or retraining at no cost to the employee, and such employee shall be paid, while training or retraining, the salary or hourly rate of his former job classification or that of the classification for which he is training, whichever is higher.
6. The rights, privileges and benefits contained in the provisions of the Order of the Interstate Commerce Commission in Finance Docket.

No. 15920, New Orleans Union Passenger Terminal Case, 282 ICC 271, January 16, 1952, will apply to any employee of the System whose position with respect to his employment is worsened as a result of the Project. The phrase 'as a result of the Project' as used herein shall include events occurring in anticipation of, during, and subsequent to the Project.

7. These conditions shall be subject to the legal limitations, if any, of the Public Body. In the event any provision of these conditions is held to be invalid or otherwise unenforceable, the Public Body, the employees and/or their representatives may invoke the jurisdiction of the Secretary of Labor to determine substitute fair and equitable employee protective arrangements which shall be incorporated in these conditions.
8. The Public Body agrees that any controversy respecting the Project's effects upon employees, the interpretation or application of these conditions and the disposition of any claim arising thereunder may be submitted by the employees, or their representative, to the determination of the Secretary of Labor, whose decision shall be final.
9. The Public Body shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the making of such decisions.
10. The Public Body will post, in a prominent and accessible place, a notice stating that the Public Body is a recipient of Federal assistance under the Urban Mass Transportation Act and has agreed to comply with the provisions of Section 13(c) of the Act.

The notice shall also inform employees of their right to invoke the jurisdiction of the Secretary of Labor in accordance with Item 8 above.

Sincerely,


John E. Myers
Vice Chairman

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EXHIBIT F
ASSURANCES

F-1

ASSURANCES FOR DEMONSTRATION AND SERVICE DEVELOPMENT PROJECTS

The applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements, including Office of Management and Budget Circular Nos. A-87, A-95, and A-102, as they relate to the applications, acceptance, and use of Federal funds for this Federally-assisted project. Also, the applicant gives assurance and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant and to finance and construct the proposed facilities, that a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application (Authorizing Resolution and Opinion of Counsel are attached).

2. It will comply with Title VI of the Civil Rights Act of 1964 (P. L. 83-352) and in accordance with Title VI of that Act. No person in the United States shall on the grounds of race, color, sex or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in case of any transfer of such property, any transferee for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or for another purpose involving the provision of similar services or benefits (DOT Civil Rights Assurance is attached).

3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment, or (2) discriminatory employment practice will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.

4. It will comply with the provisions of Executive Order 11296, relating to evaluation of flood hazards; and Executive Order 11288, relating to the prevention, control, and abatement of water pollution (See Part IV, Exhibit o, of this Application).

5. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient

Funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purposes constructed.

6. It will obtain approval by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; that it will construct the project, or cause it to be constructed, to final completion in accordance with the Application and approved plans and specifications; that it will submit to the appropriate Federal agency for prior approval changes that alter the costs of the project, use of space, or functional layout; that it will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) has been met.

7. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may require.

8. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State, and local agencies for the maintenance and operation of such facilities.

9. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.

10. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and that the project will be prosecuted to completion with reasonable diligence.

11. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is longer.

12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P. L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally-assisted programs (Title II and Title III Assurances are attached).

14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular A-102.

15. It will comply with the provisions of the Hatch Act which limits the political activity of employees.

16. It will make the certification required by section 3(d) of the Urban Mass Transportation Act of 1964, as amended (Certification attached).

17. Applicant agrees not to engage in charter bus operations in competition with private bus operation outside of the area within which it provides regularly scheduled mass transportation service. Any violation of this agreement shall bar the Applicant from receiving any other Federal financial assistance under: (1) Subsection (a) or (c) of 23 U.S.C. 142; (2) paragraph (4) of subsection (3) of 23 U.S.C. 103; or (3) the Urban Mass Transportation Act of 1964. (This assurance applies only to applications for Federal financial assistance for the purchase of buses.)

18. Applicant agrees not to engage in school bus operations, exclusively for the transportation of students and school personnel, in competition with private bus operators except in the following areas:

a. Applicant operates a school system in the area to be served and operates a separate and exclusive school bus program for this school system.

b. Private school bus operators are not able to provide adequate transportation at reasonable rates and in conformance with applicable safety standards.

c. Where a State or local public body or agency thereof (or a direct predecessor in interest from which it acquired the function of so transporting school children and personnel, along with facilities to be used therefor) was so engaged in school bus operations any time during the period from August 1972 to August 1973.

Any violation of this agreement shall bar the Applicant from receiving any other Federal assistance under: (1) Subsection (a) or (c) of 23 U.S.C. 142; (2) paragraph (4) of subsection (e) of 23 U.S.C. 103; or (3) the Urban Mass Transportation Act of 1964. (This assurance applies only to applications for Federal financial assistance for the purchase of buses.)

ASSURANCE OF COMPLIANCE WITH
TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
(DEPARTMENT OF TRANSPORTATION)

The Westport Transit District (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act) and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the Regulations), and other pertinent directives to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, sex or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Urban Mass Transportation Administration (UMTA), and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by subsection 21.7(j)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to the project:

1. That the Recipient agrees that each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with a project under the Urban Mass Transportation Act of 1964, as amended (the UMTA Act) and, in adapted form in all proposals for negotiated agreements:

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in regard to any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, sex or national origin in consider-

- tion for an award.
3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
 4. That the Recipient shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.
 5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
 6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
 7. That where the Recipient receives Federal financial assistance to carry out a program of managerial training under section 10(a) of the Urban Mass Transportation Act of 1964, as amended, the assurance shall obligate the recipient to make selection of the trainee or fellow without regard to race, color, sex, or national origin.
 8. That where the Recipient receives Federal financial assistance to carry out a program under the Urban Mass Transportation Act of 1964, as amended, the assurance shall obligate the recipient to assign transit operators and to furnish transit operators for charter purposes without regard to race, color, sex or national origin.
 9. That where the Recipient receives Federal financial assistance to carry out a program under the Urban Mass Transportation Act of 1964, as amended, routing scheduling, quality of service, frequency of service, age and quality of vehicles assigned to routes, quality of stations serving different routes, and location of routes may not be determined on the basis of race, color, sex or national origin.
 10. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other

parties: (a) for the subsequent transfer of real property acquired or improved under CT-06-0007; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under CT-06-0007.

11. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the project, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
12. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
13. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, and Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient by the Department of Transportation under Federal Urban Mass Transportation Programs and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Urban Mass Transportation Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

DATE

Jan. 26, 1976

Westport Transit District
(Recipient)

Paul R. Green

(Signature of Authorized Official)

Attachments
Appendices A, B, and C

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex or national origin.
- (4) Information and Reports: The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Urban Mass Transportation Administration (UMTA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information is required or a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Recipient, or the Urban Mass Transportation, as appropriate, and shall set forth what efforts it has made to obtain the information.

- (5) Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Recipient shall impose such contract sanctions as it or the Urban Mass Transportation Administration may determine to be appropriate, including, but not limited to:
- (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) Cancellation, termination or suspension of the contract, in whole or in part.
- (6) Incorporation of Provisions: The contractor shall include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Recipient or the Urban Mass Transportation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Recipient to enter into such litigation to protect the interests of the Recipient, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

- A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the Recipient will accept title to the lands and maintain the project constructed thereon, in accordance with the Urban Mass Transportation Act of 1964, as amended, the Regulations for the Administration of Federal Urban Mass Transportation Programs and the policies and procedures prescribed by the Urban Mass Transportation Administration of the Department of Transportation and, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation (hereinafter referred to as the Regulations) pertaining to and effectuating the Provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Westport Transit District all the right, title, and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HEBENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Westport Transit District and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the Westport Transit District, its successors and assigns.

The Westport Transit District, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such land hereby conveyed (,) (and)* (2) that the Westport Transit District shall use the lands and interests in

lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended (,) and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

B-189

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the Recipient pursuant to the provisions of Assurance 10(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964; and as said Regulations may be amended.

(Include in licenses, leases, permits, etc)*

That in the event of breach of any of the above nondiscrimination covenants, (Westport Transit District shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, Westport Transit District shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Westport Transit District and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Westport Transit District pursuant to the provisions of Assurance 10(b)

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases, add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin shall be otherwise subjected to discrim-

ation in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the ground of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964), and as said Regulations may be amended.

(Include in licenses, leases, permits, etc.)*

That in the event of breach of any of the above nondiscrimination covenants, Westport Transit District shall have the right to terminate the (license, lease, permit, etc.) and to re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, lease, permit, etc.) had never been made or issued.

(Include in deeds)*

That in the event of breach of any of the above nondiscrimination covenants, Westport Transit District shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Westport Transit District and its assigns.

*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purpose of Title VI of the Civil Rights Act of 1964.

RESOLUTION FOR FILING FOR A SERVICE & METHODS
DEMONSTRATION PROJECT GRANT

B-191

Resolution authorizing the filing of an application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as Amended.

WHEREAS, the Secretary of Transportation is authorized to make grants for mass transportation projects;

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of project costs;

WHEREAS, it is required by the U. S. Department of Transportation in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as Amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services:

NOW, THEREFORE, BE IT RESOLVED by the Westport Transit Directors

1. That Paul R. Green is authorized to execute and file an application on behalf of the Westport Transit District with the U. S. Department of Transportation, to aid in the financing of a Demonstration & Service Development Project.
2. That Paul R. Green is authorized to execute and file with such application an assurance or any other document required by the U. S. Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.
3. That Richard H. Bradley, Executive Director, is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the application or the project.

4. That Paul Green is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

CERTIFICATE

The undersigned duly qualified and acting Vice Chairman of the Westport Transit District certifies that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the Westport Transit Directors held on February 21, 1976.

John E. ...
Signature of Recording Officer

Vice Chairman
Title of Recording Officer

2-24-76
Date

SOUTH WESTERN REGIONAL PLANNING AGENCY
DARIEN GREENWICH NEW CANAAN NORWALK STAMFORD WESTON WESTPORT WILTON
137 ROWAYTON AVENUE, ROWAYTON, CONNECTICUT 06853 866-5543

February 18, 1976

Mr. Richard Bradley
Westport Transit District
46 E. State Street
Westport, Connecticut 06880

Dear Mr. Bradley:

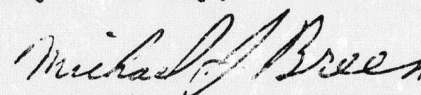
On February 10, 1976, the Agency reviewed the plan for a service and methods demonstration of Transit and Paratransit services.

The Agency supports the concepts this project seeks to demonstrate and would hope that implementation of any findings arrived at at the end of this project will be coordinated with similar efforts on the regional level and, in particular, with those efforts currently underway in Norwalk. This would help eliminate any potential competition for federal and state transit funds earmarked for this region in the future.

We would further recommend the investigation of the following:

- a) Contacting social service agencies such as Red Cross and state and local social service departments, as to whether their transportation needs can be met by the Westport Transit District and whether their transportation budget allocations can be transferred to the Westport Transit District to offset operating deficits.
- b) Development of a bus pass pricing system based on a sliding income scale. This might be a more equitable way of funding the system as well as providing those who are not readily able to purchase bus passes to afford the optimum transit services. Such an approach may be of greater benefit as a demonstration for other communities which have a greater distribution of income levels.

Very sincerely,



Michael Breen
Transportation Coordinator

MB:ak

B-194

BERKOWITZ AND BALBIRER, P. C.

ATTORNEYS AND COUNSELORS AT LAW • 136 MAIN STREET • P. O. BOX 808 • WESTPORT, CONN. 06880

RICHARD BERKOWITZ
ARTHUR E. BALBIRER
MICHAEL R. FRIEDMAN (CONN., N.Y. & D.C. BARS)

(203) 226-1001
(203) 226-0744

March 1, 1976

Mr. Paul R. Green
Director, Transit District
5 Marvin Place
Westport, Connecticut 06880

Mr. John E. Myers
Co-Director, Transit District
3 Pleasant Valley Lane
Westport, Connecticut 06880

Dear Messrs. Green and Myers:

This letter will serve as the requisite opinion of counsel to be filed with the United States Department of Transportation in connection with the application of the Westport Transit District for financial assistance pursuant to the provisions of the Urban Mass Transportation Act of 1964 as amended for the proposed service and demonstration project proposed by the Transit District.

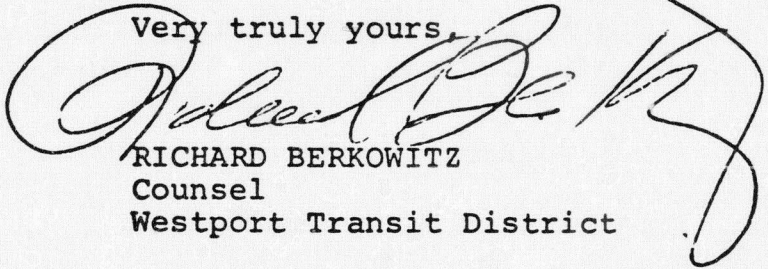
1. The Westport Transit District is an independent body, corporate and politic, authorized to contract for and receive federal grants under the Connecticut General Statutes, Sections 7-273b through 7-272k.
2. The Westport Transit District is authorized by said General Statutes to provide and assist public transportation by acquisition, construction and operation of existing or additional transit facilities.
3. There is, to the best of my knowledge, no legal impediment to your making application for Federal and State funds to implement this service and demonstration project in the Town of Westport on behalf of the Westport Transit District. Furthermore, I know of no pending litigation related to or which might, in any way, adversely affect the proposed project.

BERKOWITZ AND BALBIRER, P. C.

Messrs. Paul R. Green & John E. Myers
March 1, 1976
Page two

As you know, we have had one threat of a possible law suit by a certain private taxi company in Westport, which we are of the opinion is without merit or foundation and indeed, may never be brought. We do not consider that, even in the event such litigation were commenced, that it might result in an adverse effect upon the project.

Very truly yours,



RICHARD BERKOWITZ
Counsel
Westport Transit District

RB:cam

3-196

PFish:tv:7-14-76
cc:
CT6 (2)
UMTA File
PFish
Belinda

AUG 4 1976

Mr. Richard H. Bradley
Executive Director
Westport Transit District
311 East State Street
Westport, Connecticut 06880

Dear Mr. Bradley:

I am pleased to inform you that your application on behalf of the Westport Transit District for a Federal grant of \$610,000 to demonstrate shared-ride taxi service integrated with the fixed route bus system has been approved. The grant is a continuation of project CT-06-0007 which developed the demonstration plan.

The purpose of this grant is to demonstrate a broad range of integrated conventional and para-transit services including fixed route bus, shared-ride taxi, route-deviation bus, and special market demand responsive service provided by both public and private operators.

Enclosed are two (2) copies of the approved project budget. Also enclosed are five (5) counterparts of an Offer of Contractual Assistance executed on behalf of this Administration. Although your funding request has been approved and costs can be incurred as of the effective date, reimbursement cannot occur until this contract is executed.

The aforementioned counterparts should be executed in accordance with appropriate proceedings of your agency and certified by your attorney within sixty (60) days of the date of this letter. In the event that your attorney is unable to make the certification because of pending legislation or litigation which might affect the carrying out of the project, a concise description of the reasons should be forwarded to UMTA. Three copies of authorizing

CONCURRENCES	
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INITIALS/SIG.	
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B-197

2

proceedings should be returned to this Administration within sixty (60) days of the date appearing on this letter of transmittal. In the event the counterparts cannot be returned within the sixty (60) day period, this Administration should be immediately notified by letter setting forth the reason for the delay and requesting an extension of the offer.

Our representative for liaison with your staff is Mr. Paul F. Fish who can be contacted at (202) 426-4984.

Sincerely,

[Signature]
Robert E. Patricelli

Enclosures

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B-198

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION

DATE: JUN 29 1976

SUBJECT: Westport, Connecticut-Integrated
Taxi-Fixed Route Bus Service
Demonstration CT-06-0007-1

In reply
refer to: Program Code: 34.07.02

FROM: Associate Administrator for Transportation
Management and Demonstrations UMD-1

TO: The Administrator UOA-1

1. Grantee

Westport Transit District
311 East State Street
Westport, Connecticut 06880

2. Objective

This project will directly impact on UMTA's goals of reducing trip time, increasing transit coverage, and improving productivity. The project will demonstrate the integration of a range of integrated conventional and paratransit services including fixed route bus, shared-ride taxi, route deviation bus, and special market demand responsive service provided by both public and private operators. The project will demonstrate the applicability of such an integrated approach to medium and low density communities. In addition, the Transit District will develop its role as a community transportation broker.

3. Project Description

The design for this demonstration project is the culmination of an UMTA grant to the Westport Transit District to study the integration of the existing fixed route bus system and privately operated taxi system. Westport, with a population of approximately 28,000, has operated a fixed route bus system since mid-1974.

The transit district provides service on six fixed routes as well as service on special commuter routes serving a limited number of commuter trains.

Although expansion of service is a significant development, the most important feature of the proposed demonstration is the integration of conventional transit services provided by the District, and the new paratransit services to be provided by a private operator. It will bring a range of services under a single management system. The District will contract with either one or both of the current taxi operators to operate the paratransit services using vehicles owned by the District. The company will provide personnel, supervisory, and management functions. All revenues generated by the service would belong to the Transit District.

A crucial element to accomplish this integration will be the implementation of a single control center to dispatch and monitor the operation of all transportation services.

The major features of the demonstration project are:

- 1) Shared-Ride taxi Service-An integrated taxi service will be offered including both shared and premium ride as well as small package delivery. The service would be provided through a single dispatch center and would use approximately six twelve-passenger vans. The shared-ride taxi service will provide complementary service to the fixed route buses at times of low demand. Fares for the shared ride service will be integrated with the current pre-paid annual pass system used by the district.
- 2) Supplementary Fixed Route Service-Greatly increased commuter service would enable the district to serve twice as many commuter trains. In addition, the district would be able to provide additional hours of fixed route service during the evening hours using smaller vehicles.
- 3) Special Market Services-Advance-request demand responsive service will be available for special user groups such as the elderly and handicapped and for groups such as day care centers who wish to subscribe for special services.

- 4) Transportation Brokerage- The Transit District will develop and expand its role as a transportation broker for the community. Pooling will be promoted as part of the project's overall public information program. Technical assistance will be provided in forming pools. Assistance in implementing subscription van programs will be provided to main employment centers in the community including the CBD. In addition, the Transit District will develop a program for utilizing occasional providers of paratransit service. Rather than add additional equipment to meet growing demand for some transit services, the District would pay individuals driving their own vehicles to provide supplementary service on certain routes during peak periods.

4. Budget

In addition to the original \$25,000 provided for this project, UMTA will provide \$610,000. UMTA's share represents 80% of Capital costs for the purchase of vans and related equipment and of operating costs.

The State of Connecticut and Westport will contribute 20% of the Capital and operating costs in the amount of \$153,841.

Total net project cost (gross cost less operating revenue) is \$788,841.

The Transit District plans to continue the service provided under the demonstration project through a combination of local support, State assistance, and UMTA Section 5 funds.

5. Schedule

The project duration will be for a period of two years beginning July 1, 1976. Actual implementation of service will begin in mid September, 1976 in Westport. Carpooling and vanpooling support activities would begin in early 1977.

6. Legal Determination

The Office of the Chief Counsel finds the proposed project is authorized under Section 6 of the Act, and that the applicant is legally acceptable as a grantee.

7. Labor Determination

The Assistant Secretary of Labor has specified the terms and conditions of the protective arrangements under Section 13c of the Act.

8. Environmental Impact

In accordance with the National Environmental Policy Act of 1969 and the implementing directives, it is determined that the proposed grant will not have significant impact on the quality of the environment.

9. Recommendation

I recommend that you approve this project and have reserved \$610,000 as the UMTA share. I also recommend that you find this project will assist in the improvement of Urban Mass Transportation service and the contribution of such service toward meeting total urban transportation needs at minimum cost.

Robert H. McManus
Robert H. McManus

Attachments

I have made a fund ^{reservation} reservation in the amount of \$610,000 for this project.

Graham Johnson
Graham Johnson

Approved:

Robert E. Patricelli
Robert E. Patricelli

Date:

7/16/76

B-202

Approved Project Budget -- CT-06-0007-01

	<u>Budget Line Item Code</u>	<u>Budgeted Amount</u>	<u>Line Item Description</u>
CT-06-0007	82.14.00	\$ 500	Direct Labor-managerial
Original Grant	82.30.00	703	Travel
	82.64.00	23,797	Subcontracts-Conslt
	Total	\$ 25,000	
CT-06-0007-01	51.13.00	\$ 9,360	Dir.Labor-Clerical
Amendment	51.14.00	54,624	Dir.Labor-Managerial
	51.19.00	27,155	Dir.Labor-Other
	51.20.00	22,785	Employee Benfits
	51.30.00	5,000	Travel
	51.48.00	196,200	Materials and Equip- ment Purchase
	51.51.00	176,180	Direct Cost of Transit Service Operations
	51.63.00	551,052	Subcontracts-Transit Service Improvements
	51.64.00	93,980	Subcontracts-Conslt
	51.99.00	63,856	Contingencies
Total (Gross)		\$1,200,192	
51.96.00		- 436,351	Fare Box Revenues
Total Cost (Net)		\$ 763,841	

Federal/Local Shares

	<u>Original Grant</u>	<u>Amendment</u>	<u>Total</u>
Federal	\$25,000 (100%)	\$610,000 (80%)	\$635,000
Local	-----	\$153,841 (20%)	\$153,841
Total(Net)	<u>\$25,000</u>	<u>\$763,841</u>	<u>\$788,841</u>

Cash Disbursement Schedule

Original Grant FY 1975	\$ 25,000
Amendment: July-Sept 1976	213,620
FY 1977	226,636
FY 1978	169,744

Approved: Date: 5/14/76

U.S. DEPARTMENT OF LABOR
OFFICE OF THE ASSISTANT SECRETARY
WASHINGTON

APR 1 1976

Mr. Robert E. Patricelli
Urban Mass Transportation Administrator
Department of Transportation
Washington, D. C. 20590

Re: UMTA Application
Westport Transit District
Demonstration and Service
Development Project
(CT-06-0006-1)
7

Dear Mr. Patricelli:

This is in reply to the request from your office that we review the above captioned application for a grant under the Urban Mass Transportation Act of 1964, as amended.

The Department of Labor makes the certification called for in the Act on condition that the following language is incorporated into the contract of assistance:

"The Public Body (Westport Transit District) agrees that the following terms and conditions shall apply for the protection of employees in the mass passenger transportation industry in the service area of the project:

1. The project shall be carried out in such a manner and upon such terms and conditions as will not adversely affect employees in the mass passenger transportation industry within the service area of the project.
2. All rights, privileges, and benefits (including pension rights and benefits) of employees (including employees already retired) shall be preserved and continued.

Page Two

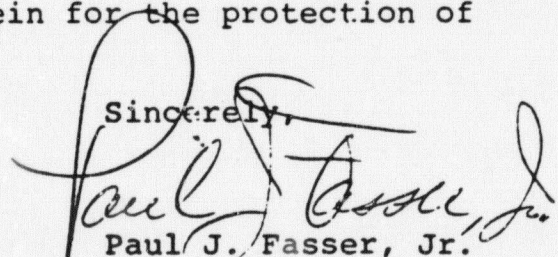
3. The Public Body shall be financially responsible for any deprivation of employment or other worsening of employment position as a result of the project.
4. In the event an employee is terminated or laid off as a result of the project, he shall be granted priority of employment or reemployment to fill any vacant position for which he is, or by training or retraining can become, qualified. In the event training or retraining is required by such employment or reemployment, the Public Body shall provide or provide for such training or retraining at no cost to the employee.
5. Any employee who is laid off or otherwise deprived of employment or placed in a worse position with respect to compensation, hours, working conditions, fringe benefits, or rights and privileges pertaining thereto at any time during his employment as a result of the project, including any program of efficiencies or economies directly or indirectly related thereto, shall be entitled to receive any applicable rights, privileges and benefits as specified in the employee protective arrangement certified by the Secretary of Labor under Section 405(b) of the Rail Passenger Service Act of 1970 on April 16, 1971. An employee shall not be regarded as deprived of employment or placed in a worse position with respect to compensation, etc., in case of his resignation, death, retirement, dismissal for cause, or failure to work due to disability or discipline. The phrase "as a result of the project" as used herein shall include events occurring in anticipation of, during, and subsequent to the project.

Page Three

6. These conditions shall be subject to the legal limitations, if any, of the Public Body. In the event any provision of these conditions is held to be invalid or otherwise unenforceable, the Public Body, the employees and/or their representatives may invoke the jurisdiction of the Secretary of Labor to determine substitute fair and equitable employee protective arrangements which shall be incorporated in these conditions.
7. The Public Body agrees that any controversy respecting the project's effects upon employees, the interpretation or application of these conditions and the disposition of any claim arising hereunder may be submitted by any party to the dispute including the employees or their representative for determination by the Secretary of Labor, whose decision shall be final.
8. The Public Body shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the making of the decisions called for in the preceding paragraph.
9. The Public Body will post, in a prominent and accessible place, a notice stating that the Public Body is a recipient of Federal assistance under the Urban Mass Transportation Act and has agreed to comply with the provisions of Section 13(c) of the Act.

The notice shall also specify the terms and conditions set forth herein for the protection of employees."

Sincerely,



Paul J. Fasser, Jr.
Assistant Secretary of Labor

cc: Theodore Munter/UMTA

B-206

U.S. DEPARTMENT OF LABOR
LABOR-MANAGEMENT SERVICES ADMINISTRATION



April 16, 1976

Mr. Theodore Munter
Urban Mass Transportation Administration
Department of Transportation
Washington, D. C. 20590

Dear Mr. Munter:

This is to advise you that our certification letter to Mr. Robert E. Patricelli dated April 1, 1976, inadvertently cited the project caption as (CT-06-0006-1). It should have been (CT-06-0007-1).

Sincerely,

LARRY F. YUD
Chief, Division of
Employee Relations

URBAN MASS TRANSPORTATION

AMENDATORY AGREEMENT

Project No. CT-06-0007
Amendment No. 1

AMENDMENT TO URBAN MASS TRANSPORTATION DEMONSTRATION CONTRACT

This Amendatory Agreement by and between the Westport Transit District (herein called the "Public Body") and the United States of America (herein called the "Government") WITNESSETH:

WHEREAS, the parties have entered into a Mass Transportation Demonstration Grant Contract as of the 22nd day of July 1975, pursuant to which the Public Body agreed to undertake a Mass Transportation Demonstration Project and the Government agreed to provide financial assistance to the Public Body in the form of a Mass Transportation Demonstration Grant; and

WHEREAS, the purpose of this Amendment is to revise the Urban Mass Transportation Demonstration Contract to demonstrate a broad range of integrated conventional and paratransit services including fixed route bus, shared ride taxi, route deviation bus, and special market demand responsive service provided by either public or private operators or both as the Public Body shall determine subject to concurrence by UMTA;

NOW, THEREFORE, in consideration of the mutual promises herein set forth, the parties hereto agree that the Mass Transportation Demonstration Grant Contract shall be amended as follows:

Sec. 1. Sec. 2 ("The Project") is amended as follows:

"The Project" - The Public Body agrees to undertake, carry out, and complete the Project described in its as modified Application filed with, and approved by, the Government, and herewith incorporated by reference, and in accordance with the terms and conditions of this Contract. The purpose of this Project is to carry out in part the study funded in the original Grant Contract.

The major elements of the Project are:

- a. Shared-Ride Service - An integrated service will be offering ~~including both~~ shared ~~and premium~~ ride service as well as small package delivery. The service would be provided through a single dispatch center and would use approximately six twelve-passenger vans. The shared-ride service will provide complementary service to the fixed route buses at times of low demand. Fares for the shared ride service will be integrated with the current pre-paid annual pass system used by the district.
- b. Special Market Services - Advance-request demand responsive service will be available for special user groups such as the elderly and handicapped and for groups such as day care centers who wish to subscribe for special services.
- c. Transportation Brokerage - The Transit District will develop and expand its role as a transportation broker for the community. Pooling will be promoted as part of the project's overall public information program. Technical assistance will be provided in forming pools. Assistance in implementing subscription van programs will be provided to main employment centers in the community including the CBD. In addition, the Transit District will develop a program for utilizing occasional providers of paratransit service. Rather than add additional equipment to meet growing demand for some transit services, the District would pay individuals driving their own vehicles to provide supplementary service on certain routes during peak periods.
- d. Supplementary Fixed Route Service -

Sec. 2. The first paragraph of Sec 3 is amended as follows:

"The Grant - In order to assist the Public Body in financing the cost of the Project, which cost is estimated to be One Million, Two Hundred Twenty-Five Thousand, One Hundred Ninety-Two Dollars (\$1,225,192), the Government will make a Grant in an amount equal to 100% of the actual cost of the Project as approved on July 22, 1975, that amount not to exceed \$25,000; and 80% of the remaining cost of the Project, as determined by the Government or in the amount of Six Hundred Thirty-Five Thousand Dollars (\$635,000), whichever is the lesser."

Sec. 3. Sec. 5 is amended to read as follows:

"Labor Protection - The Public Body agrees to undertake, carry out, and complete the Project under the terms and conditions determined by the Secretary of Labor to be fair and equitable to protect the interests of employees affected by the Project and meeting the requirements of Section 13(c) of the Act.

These terms and conditions are specified in the letter of certification to the Government from the Department of Labor dated April 1, 1976, which is incorporated herein by reference.

The Public Body agrees that the following terms and conditions shall apply for the protection of employees in the mass passenger transportation industry in the service area of the Project:

- a. The Project shall be carried out in such a manner and upon such terms and conditions as will not adversely affect employees in the mass passenger transportation industry within the service area of the Project.
- b. All rights, privileges, and benefits (including pension rights and benefits) of employees (including employees already retired) shall be preserved and continued.
- c. The Public Body shall be financially responsible for any deprivation of employment or other worsening of employment position as a result of the Project.
- d. In the event an employee is terminated or laid off as a result of the Project, he shall be granted priority of employment or reemployment to fill any vacant position for which he is, or by training or retraining can become, qualified. In the event training or retraining is required by such employment or reemployment, the Public Body shall provide or provide for such training or retraining at no cost to the employee.
- e. Any employee who is laid off or otherwise deprived of employment or placed in a worse position with respect to compensation, hours, working conditions, fringe benefits, or rights and privileges pertaining thereto at any time during his employment as a result of the Project, including any program of

efficiencies or economies directly or indirectly related thereto, shall be entitled to receive any applicable rights, privileges and benefits as specified in the employee protective arrangement certified by the Secretary of Labor under Section 405(b) of the Rail Passenger Service Act of 1970 on April 16, 1971. An employee shall not be regarded as deprived of employment or placed in a worse position with respect to compensation, etc., in case of his resignation, death, retirement dismissal for cause, or failure to work due to disability or discipline. The phrase 'as a result of the Project' as used herein shall include events occurring in anticipation of, during, and subsequent to the Project.

- f. These conditions shall be subject to the legal limitations, if any, of the Public Body. In the event any provision of these conditions is held to be invalid or otherwise unenforceable, the Public Body, the employees and/or their representatives may invoke the jurisdiction of the Secretary of Labor to determine substitute fair and equitable employee protective arrangements which shall be incorporated in these conditions.
- g. The Public Body agrees that any controversy respecting the Project's effects upon employees, the interpretation or application of these conditions and the disposition of any claim arising hereunder may be submitted by any party to the dispute including the employees or their representative for determination by the Secretary of Labor, whose decision shall be final.
- h. The Public Body shall maintain and keep on file all relevant books and records in sufficient detail as to provide the basic information necessary to the making of the decisions called for in the preceding paragraph.
- i. The Public Body will post, in a prominent and accessible place, a notice stating that the Public Body is a recipient of Federal assistance under the Urban Mass Transportation Act and has agreed to comply with the provisions of Section 13(c) of the Act.

The notice shall also specify the terms and conditions set forth herein for the protection of employees.

Sec. 4. Special Condition

"Statement of Work - The Public Body agrees to undertake, carry out and complete the Project described in its Application, as revised, filed with, and approved by the Government, and herewith incorporated by reference, and in accordance with the terms and conditions of this Contract and the following modifications to the Application:

- 1) The Transportation Systems Center (TSC) will act as UMTA's agent in developing a summary evaluation of the Project. The Public Body shall work closely with the Project evaluation team assigned by TSC. The Public Body will be responsible for project data collection as prescribed in an evaluation plan developed by TSC. These data will be made available to TSC. Evaluation plans will be developed in close coordination with the Public Body. Project evaluation will be the responsibility of TSC; however, the Public Body will have full access to the data to perform private analyses outside the scope of the Project and for the preparation of technical papers. Also, the Public Body is expected to make use of the data in formulating the service operated and modifying the service as necessary during the demonstration.
- 2) Because of the complex nature of the Project, detailed reporting of project tasks will be required. Monthly reports will document the progress of each task. If no activity occurred during the reporting period, it will be so reported. Quarterly financial reports shall be submitted showing the amount expended for each task during the reporting period and the total for the Project. An indication should be made whether the rate of expenditure is in accordance with planned expenditures. Excessive or unexpected expenditures should be noted.
- 3) The Public Body shall prepare a descriptive final report at the conclusion of the Project. Draft copies of the report shall be submitted six weeks prior to the due date of the report. This report shall provide a narrative description of project activities and shall complement the technical evaluation reports by TSC.
- 4) Before proceeding with the implementation of the occasional provider service, the Public Body will develop an implementation plan for the service. The plan will include,

by not but limited to, such issues as legal implications of the service, regulatory issues, and insurance requirements, etc. UMTA approval of the implementation plan will be required before actual implementation of this service can occur.

Execution of Amendatory Agreement - This Amendatory Agreement is in offer and acceptance form. It may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect.

Offer - When dated and signed by the Government, this instrument shall constitute an offer which should be accepted by the Public Body by execution within sixty (60) days of such date. The Government may withdraw any offer not accepted within the sixty-day period. Upon acceptance of the offer the effective date of the Amendatory Agreement shall be the date on which this offer was executed by the Government.

The Government has duly executed this offer this 12th day of August, 1976.

BY Robert H. McManus

TITLE: ASSOCIATE ADMINISTRATOR

Acceptance - The Public Body does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the Application and supporting materials submitted by it, and does hereby accept the conditions thereof.

Executed this 16th day of December, 1976.

SEAL

WESTPORT TRANSIT DISTRICT
Westport, Connecticut

ATTEST: Lucille L. Hampton

BY: Robert H. McManus

TITLE: Bus Manager

TITLE: EXECUTIVE DIRECTOR

DBIR: 111: 9/3/75

SEP 5 1975

Mr. Donald L. Somers
President
Yellow Cab Company
101 Oakland Street
Red Bank, New Jersey 07701

Dear Mr. Somers:

This is in reply to your recent letter inquiring about the eligibility for Federal assistance of a reduced taxicab fare program for senior citizens.

Traditional and historic taxi service has never been considered under the Urban Mass Transportation Act of 1964 to constitute mass transportation services, and program costs resulting from such services would, therefore, not be eligible for regular Federal mass transportation assistance. If taxi services, however, are shared-ride in nature and provided on a continuing and regular basis, these services could qualify for Federal capital or operating assistance as mass transportation services. Shared-ride services may be described as those services in which the vehicle may not be reserved for the exclusive use of an individual or group of passengers. To meet the test of regularity and continuousness, shared-ride paratransit services must be available to the public on a predictable basis, and not provided in a haphazard manner (e.g. at the convenience of the driver).

Shared-ride taxi services designed specifically for the elderly if consistent with the above definition may be eligible for Federal assistance. However, the project must be consistent with the official urban area transportation plan for an officially-coordinated or unified urban transportation system and be included in the transportation improvement program for the area. The responsibility for the development

B-214

SEP 5 1975

of this plan and approval of the program in the case of Hamamouth County lies with the Tri-State Regional Planning Commission. You should work with Tri-State in the further development of your proposal.

If you need further assistance, Mr. John Taylor, the UMTA Regional Director for your area, may be reached at the following address: Suite 507, 26 Federal Plaza, New York, New York; 10007; telephone 212-264-8162.

Sincerely,

Milton L. Brooks
Acting Associate Administrator
for Policy and Program Development



DEPARTMENT OF TRANSPORTATION
URBAN MASS TRANSPORTATION ADMINISTRATION
WASHINGTON, D.C. 20590

THE ADMINISTRATOR

12 JUL 1976

Mr. Bill R. Stokes
Executive Director
American Public Transit Association
1100 17th Street, N.W.
Washington, D. C. 20036

Dear Bill:

Thank you for your February 12, 1976 letter outlining a number of issues dealing with the paratransit area. I apologize for the delay in responding, but, as you know, we have been analyzing the entire paratransit area in anticipation of issuing a policy statement. We are still exploring a number of the more complex issues. However, I thought it would be helpful if I addressed some of the issues raised in your letter at this time.

Definition of Mass Transportation

In determining what constitutes "mass transportation", the Urban Mass Transportation Administration (UMTA) is guided by Section 12(c)(5) of the UMT Act of 1964, as amended. That section defines mass transportation as "transportation by bus, rail or other conveyance, either publicly- or privately-owned, which provides to the public general or special service on a regular and continuing basis". Within this definition UMTA includes any form of collective transportation service available to the public, i.e., any service which cannot be reserved for the private and exclusive use of individual passengers. Services which qualify as "mass transportation" include dial-a-ride, jitney, shared-ride taxi, community minibus and certain forms of vanpooling. Services which are not eligible for mass transportation assistance are normal and historic taxi services, individual car rental services and for-hire limousine and private ambulance services.

Planning

All paratransit services assisted by UMTA funds must be part of an officially-developed transportation plan, and must be included in the annual element of the local Transportation Improvement Program. Such services must be needed for carrying out a program for a unified or officially-coordinated mass transportation system. We are encouraging

urban areas developing Transportation System Management (TSM) plans to consider community-level paratransit services such as local circulation services, special services for elderly and handicapped persons, commuter-oriented feeder services to line haul transit and shared taxi services at night and on weekends. UMTA, as part of the review of the annual element of the Transportation Improvement Program, will ensure that paratransit-related services are adequately considered in the development of local plans.

Inclusion of Private Enterprise in the Planning and Operation of Paratransit Services

Pursuant to the policy expressed in Section 4(a) of the UMT Act of 1964, as amended, UMTA encourages maximum feasible participation of existing private transportation carriers in the development and implementation of local paratransit programs and projects assisted with UMTA funds. Specifically, local taxi operators and other private carriers (whether or not they are currently providing mass transportation services) must be afforded a fair and timely opportunity to participate in the planning of community-level paratransit services and special services for elderly and handicapped persons developed pursuant to DOT Regulations for Transportation for Elderly and Handicapped Persons (49 CFR 613.204). Local private carriers must also be given an opportunity to recommend the inclusion of private paratransit services in the annual element of the Transportation Improvement Program.

It is against UMTA's policy to subsidize publicly-owned mass transportation systems and private non-profit organizations in wasteful competition with existing private operators when such operators are willing and able to provide paratransit services in an economic manner. Local taxi operators and other private carriers (whether or not they are currently providing mass transportation services) must be afforded full opportunity to bid for the provision of any general or special paratransit services proposed for implementation with the assistance of Federal funds. If a private operator can demonstrate that he is able to provide the required service in a cost effective manner, he should be given the right of first refusal on any such new services. An honest effort must be made to contract paratransit services out to private operators and to enable them to qualify as providers of such services.

Compliance with the above policy will be ensured by UMTA through a review of the annual element of the Transportation Improvement Program, and of individual paratransit project applications for Section 3, 5 and 16(b) grants. Full review will be instituted upon complaint by a private operator that he has not been given a fair opportunity to participate in an UMTA-assisted paratransit program.

- 3 -

Protection of Existing Paratransit Operators

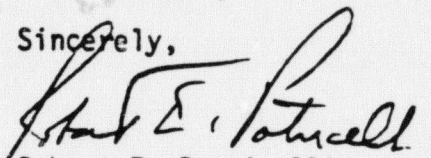
Pursuant to Section 3(e) of the UMT Act of 1964, as amended, UMTA will not provide financial assistance to any publicly-owned mass transportation company for the purpose of operating paratransit services in competition with or supplementary to the paratransit services already provided by an existing local taxi operator or other private transportation carrier, unless it finds that the officially-developed transportation program provides to the maximum extent feasible for the participation of such private carriers. Additionally, compensation as required by State and local law must be made to private paratransit operators for acquisition of their franchises or property associated with the provision of shared-(but not exclusive) ride services.

Labor

As you know, we are currently reviewing 13(c) issues with the Department of Labor in the interest of developing a consistent labor policy for the entire UMTA program. Labor protection issues, as they relate to paratransit services, are being discussed as part of the total reassessment.

I hope this initial information will be helpful.

Sincerely,


Robert E. Patricelli

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

WESTPORT TAXI SERVICE, INC., et al.,

Plaintiffs

-vs-

WILLIAM T. COLEMAN, JR., et al.,

Defendants.

Civil Action No. B-76-369

AFFIDAVIT OF ROBERT H. MCMANUS
ACTING URBAN MASS TRANSPORTATION ADMINISTRATOR

DISTRICT OF COLUMBIA, to-wit:

This 'day before the undersigned Notary Public in and for the District of Columbia personally appeared Robert H. McManus, who, being by me first duly sworn according to law, did on his oath depose and say as follows:

1. The affiant is the Associate Administrator for Transportation Management and Demonstrations and Acting Urban Mass Transportation Administrator of the United States of America, and has official knowledge of all of the matters and things hereinafter set forth.

2. All of the powers vested in Brock Adams Secretary of Transportation, defendant herein, pursuant to the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. §§ 1601 et seq.) (the "UMT Act") and other statutes authorizing Federal financial assistance to mass transportation, have been officially delegated to the Administrator and his predecessors in office (49 CFR §1.51).

3. In accordance with the definition of the term "mass transportation" as set forth in section 12(c)(5) of the UMT Act, 49 U.S.C. §1608(c)(5), Urban Mass Transportation assistance has never been approved for the purpose of providing transportation service, including taxi service, that can be reserved for the exclusive use of an individual

or private group.

Robert H. McManus
Robert H. McManus
Acting Urban Mass Transportation
Administrator

Taken, subscribed and sworn to by Robert H. McManus
before me this 24 day of February, 1977.

James D. Seal
Notary Public
District of Columbia

My Commission Expires

May 31, 1977

B-220

EXHIBIT 7

ARTICLES FROM WESTPORT NEWS JANUARY 4,
1976, JANUARY 21, 1976.

Expanded transit service plan would include Weston

By DEBRA DENNETTS

A plan to integrate the Westport Minnybus system with local taxi operations and expand service in Westport and into Weston has been developed by the Westport Transit District.

Four routes would be introduced into Weston, several routes would be added in Westport and overall service would be expanded.

The plan was developed as a result of a study prepared for the Transit District by ECI Systems, Inc. of Cambridge, Massachusetts. Transit District directors will hold a public hearing at Redford Junior High School tomorrow at 8 p.m. on the plan. If they approve it, the District will apply to the Urban Mass Transportation Administration for a \$600,000 grant to implement the program for two years. Service could be initiated as early as September.

Specifically, the plan calls for the introduction of services to Weston, including commuter service to the station, a Westport-Weston center fixed-route service to Weston, including increased evening service from the Westport center; a new taxi service which would include shared-ride taxis, premium-ride taxis, out-of-town livery and limousine service, and goods delivery; specialized services for the elderly, the handicapped and day-care children; and technical assistance for car-pooling and van-

Incorporating taxis

The key to the Transit District's proposal is the incorporation of local taxi operators in the transportation system. Westport's two companies—Westport Taxi and Teddy's Taxi—would be formed a single company with the Transit District. Weston feeder service, supplementary routes and a shared-ride, part-time taxi service to complement out-of-town livery and rental services.

To better accommodate integration of the taxi with the existing bus service, the "company" will be the Transit District for a single control of all transportation in Westport and Weston, dispatched and monitored.

In addition, it will also be able to

Transit District for use of the control room for their private operations, such as car rental and limousine and livery service.

While the contracts for personnel and management services will be based on fixed fees, there will be "a bonus profit incentive" for efficient operation of the shared-ride, premium-ride taxi service, based on numbers of passengers carried.

The Transit District will provide the vehicles for the new service—13 raised-roof van-type vehicles accommodating 12 passengers each.

Under the contract, all revenues generated from the various services will belong to the Transit District.

No cost to Westport

According to Richard Bradley, executive director of the Westport Transit District, the entire new operation will be introduced at no new cost to the Town of Westport. The cost, which is expected to be \$453,821 in the first year, will be met primarily by federal and state subsidies totalling \$275,000. The Town of Weston will be asked to budget \$21,000 for the District.

Capital costs including the thirteen raised-roof vans, new radio and fare boxes, a transfer-station bus shelter for Weston center, and control equipment will total \$216,000 of which 80 per cent will be federally funded and the remaining 20 per cent State funded.

"We are very excited about this innovative plan," said Transit Director Paul Green. "In effect, it will allow us to offer a kind of mini-supermarket of transit services which will include everything from several kinds of door-to-door

service to fixed-route bus. People in town will be able to call a single telephone number and get a taxi or a dial-a-ride van at their door-step or find out where they can rent a car or what time the next train leaves for New York City. It will integrate taxi-type services with transit services and public enterprise with private enterprise. It will be a new model for integrated transit services which does not exist anywhere in the country."

According to Mr. Green, the Federal government is willing to provide substantial assistance because of "the significance of the total project." Mr. Green said that federal transportation officials are anxious to see a demonstration of four elements of the program: the integration of multiple services through a single control system, the integration of multiple transit operators including public and private, the introduction of high level service in low and medium density communities, and the reconceptualization of taxi operations as multiple transportation services.

Taxi firms' response

Westport's taxi companies are less enthusiastic about the proposal, but both firms see advantages to the plan.

Anthony Gilbertie of Westport Taxi said that he feels that the goals of the project are basically good and that he is "greatly encouraged" by the Transit District's desire to look after everyone's interest. "Basically, they are trying to increase the amount of business," he said.

"Our apprehensions about the Minnybus before were based on the fact that we didn't have any options. This study proves that the government is trying to preserve the private sector."

"There are a lot of problems that have to be solved concerning implementation of the program."

Mr. Gilbertie said, "but we feel that this is headed in the right direction."

Leo Keenan of Teddy's Taxi also said that he was encouraged by the Transit District's efforts, but noted that while the plan has its good points, "it has its bad points too."

He was particularly skeptical about the proposal that the taxi firms form a single company to contract with the Transit District and operate from a single control room. "It's something that has to be looked into," he said. "There's a lot that we want clarified."

The transit directors have urged all interested individuals to attend tomorrow night's hearing and air their reactions to the proposal.

Transit extension argued

By DEBRA BENNETTS

A proposal to extend Minnybus services into Weston and to incorporate the local taxi industry in the Westport Transit District's operation was met with a variety of criticisms at a public hearing last Thursday night.

Public reaction ranged from complaints that excessive service was creating a burden for taxpayers to requests that the number of buses and the hours of service be increased.

The plan, prepared by ECI Systems, Inc., of Cambridge, Massachusetts, for the Westport Transit District, calls for the introduction of two new elements of transit service to the system: the initiation of four Weston routes and a connector route between Westport and Weston, and the institution of "a fully integrated taxi service" which will include premium-ride, shared-ride and small package delivery services.

The proposal also includes supplementary fixed-route service in Westport, particularly increased morning commuter service and extended hours in the early evening; new "subscription" service for special markets including the elderly, handicapped and day-care children; and technical assistance for residents who wish to car-pool or van-pool.

A major concern voiced by several residents attending the hearing was that the proposal calls for service to be extended into Weston when portions of Westport do not have service yet. One resident pointed out that there are only two Minnybus routes to the east of Roseville Road while there are seven to the west.

David Alschuler, of ECI, replied that "it is impossible to provide 100 per cent saturation service to every corner of town," adding that the northeast portion of Westport creates a technical problem in terms of service because of its distance from the Jesup Green terminal. "We just couldn't get a bus all of the way out there and back on the same 35-minute cycle," he said.

Transit District Executive Director Richard Bradley noted

that under the ECI plan, shared-ride taxi service will be available to expand the transit services to every corner of town, since the shared-ride service will be offered on demand.

Some controversy arose over a proposed surcharge on commuter passes. Although most commuters responded in a recent survey that they would be willing to pay more for the service, several commuters opposed the proposal for a \$40 surcharge on commuter passes.

According to Mr. Bradley, however, the commuter will have certain advantages under the new system. The Transit District plans to issue special commuter passes. While the commuter passholder will have access to all transit services, the regular passholder will be restricted from riding on commuter buses. The commuter pass will also entitle the holder to special reduced fares on taxi rides from the train station after 7:30 p.m. Mr. Bradley also noted that the number of commuter buses will be increased under the plan.

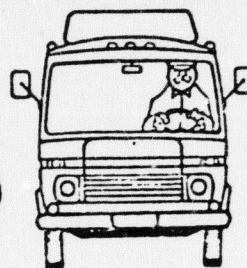
Other residents at the hearing questioned how the project would be funded. According to Mr. Bradley, 90 per cent would be financed with state and federal grants, and the remaining 10 per cent would be picked up by the Transit District. Of that the Town of Weston, would be expected to contribute about 70 per cent, or \$21,000 in the first year, and the Transit District would cover the rest by reallocation of existing monies.

Mr. Bradley noted that no new monies will be requested from the Town of Westport. The town contributed \$74,000 for the current year and will be asked for \$84,000 next year. The increase is required to replace support from the Stauffer-Westport fund and maintain the level of local funding required as a condition of state support.

The Transit District expects to have an application submitted to the Urban Mass Transportation Agency for funding of the program by the end of the month.

minnybus

WESTPORT TRANSIT DISTRICT



B-223

311 East State Street
Westport, Conn. 06880
Information 226-7171
Office 226-0422

Summary of Public Hearing Held by the
Westport Transit District on Thursday
January 15, 1976

PLACE: Bedford Junior High Library

PRESENT: Paul Green, Chairman; Richard Bradley, Executive Director
(John Myers was out of town on Business)

Mr. Green opened the meeting by explaining the purpose which was to present a plan for integrating paratransit services into the fixed-route services of the Westport Transit District. He noted the plan had been prepared by ECI Systems of Cambridge, Massachusetts, and that Mr. David Alschuler, who was the project manager, was with the District that evening to answer questions about the plan. At that point he turned the meeting over to Rich Bradley who outlined the plan. A summary of Mr. Bradley's presentation is included with these minutes.

Following the presentation Mr. Green asked for comments from the audience. Mr. Burt Stuttmann and Mr. Bud Gordon, both of whom live in the North Sturges Highway area of town, commented that they felt it was unfair for the District to be expanding services to Weston without first having dealt with providing more adequate service to certain areas of the town, including their neighborhood. Several other people then asked informational questions about the plan. Another person who identified himself as a commuter felt that the new fare structure was burdening the commuter more severely in that there was less service to the commuter yet he was being charged a higher fare. Mr. Marshall Baldwin was also in attendance and he made his position clear that he felt that the existing bus service did not meet its original goals and that it was wasteful and uneconomical. He felt that any additional service would be a further waste of money. Mr. John Friedson was also present and asked many questions about financing in such a way as to make a point similar to that of Mr. Baldwin. Mr. Bronsky from Westport asked a number of questions about the implications relative to cost if the Transit District were unionized. Roy Dickinson, a member of the RTM, was also present and commented that he hoped the District could make some changes on some of the bus routes to eliminate the crowding on those runs.

At 10:10 Mr. Green brought the meeting to a close and thanked those present and indicated that their comments and concerns would enter into final decisions about the plan.

RHB:11h

A Summary of the Plan for Para-Transit Services

1. Brief History

In April 1975 the Westport Transit District submitted an application for \$25,000 to the Urban Mass Transportation Administration Service & Methods Demonstration Division to develop a plan for integrating conventional transit with para-transit services in Westport and Weston, Connecticut. This particular division of UMTA to which the Transit District applied for funds has the responsibility of developing innovative techniques to make better use of existing forms of transit through exemplary demonstrations. In its application the Transit District stated that "It is the belief of the Westport Transit District that a unified system of service, including premium-ride taxi, shared-ride taxi, subscription service, demand-activated bus service, integrating the equipment and services of both the taxi and bus operations, coordinated with both the Penn Central commuter service and the intercity coach service could have a significant impact in meeting the needs in our communities and substantially increasing ridership. Further, it believes that the successful integration of these services would provide a useful model for other parts of the country."

At the present time, the Westport Transit District operates a total of nine vehicles and provides two kinds of fixed-route transit service -- an eight-route commuter service to the railroad station meeting inbound trains to New York City in the morning and outbound in the evening, and a seven-route system operating throughout the daytime pulsing in and out of the central business district. In total, approximately 2,300 people board buses daily. There are two taxi operators, each operating approximately five to six vehicles from 6:00 a.m. to 1:00 a.m. carrying an average total of 225 passengers daily. See Figure A.

In June the project was approved with the understanding that the final plan could lead to an application for funds to undertake the actual demonstration project if a plan successfully met the objectives of the District, the State DOT, and UMTA. In August ECI Systems Inc. of Cambridge, Massachusetts, was selected as the consulting firm to carry out the study. The following is a summary of the plan developed by ECI.

2. An Analysis of Needs

In its preliminary analysis of the need for new transit services, the consulting firm conducted a survey of the existing services and undertook numerous surveys to identify potential demand. As a result of this analysis it indicated that there were five large markets in need of improved service in Westport --

FIGURE A EXISTING WEEKDAY SERVICES

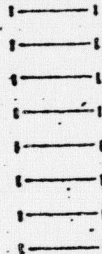
6 AM 8 10 AM 12 Noon 2 PM 4 6 PM 8 10 12 1 AM

Fixed Route Commuter

Bus

A
B
C
D
E
F
G
H

6:30AM 7:30AM



5:50PM

7:30PM



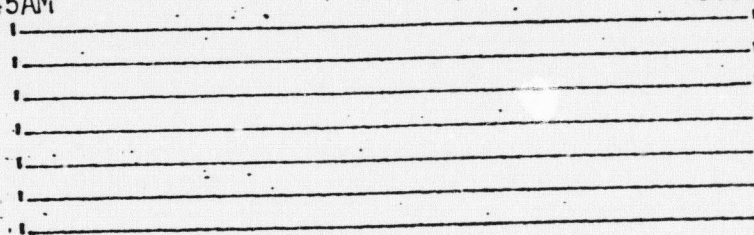
Fixed Route CDB

Bus

A
B
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D
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F
G

7:45AM

5:30PM



Premium

Taxi Service

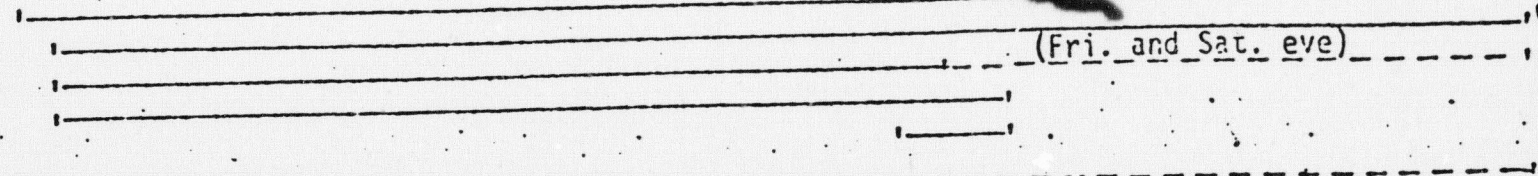
Taxi

1
2
3
4
5



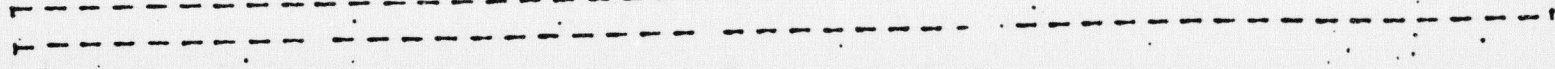
Taxi

6
7
8
9
10



Limo

1
2



3-2-5

B. 226

- a. Expanded service hours for normal daytime transit operations;
- b. Expanded service for employees in downtown Westport;
- c. Expanded service for commuters at the rail station;
- d. Expanded services for specialized markets;
- e. Improved capabilities and efficiencies for markets using taxi services.

Additionally, the transit needs in Weston, specifically those of the commuter, the elderly, and the young, were detailed.

3. Recommended Service Plan

The new plan composed by ECI would include --

- a. Services to Weston, Connecticut -- The service to Weston would consist of a new fixed-route linking Weston center and the Westport central business district in the daytime and railroad station at commuter times. The daytime route could be phased into the normal thirty-five-minute headways of the existing fixed-route service presently operated by the District in Westport. Additionally, a four-vehicle route-deviation service will be operated in Weston providing a circulation service throughout the community and feeding both Weston center and the fixed-route vehicle operating between there and Westport center. The feeder service would most likely operate between the hours of two and seven-thirty on weekdays and all day on Saturdays and holidays. See Figure B.
- b. Supplementary Fixed-Route Services -- Under the plan the Westport Transit District would provide an additional 11,000 annual hours of fixed-route services. This would allow the District to provide in Westport double the number of commuter trains served in the morning as well as to expand the coverage area. Beyond this, it would provide two additional service hours on the daytime service routes later into the evening to serve the center of Westport.
- c. Shared-Ride Taxi -- A fully integrated taxi service will be offered to include premium-ride, shared-ride and small package delivery services within the town. These taxi services would be restructured through the use of a single dispatch center and a total of four to six new twelve-passenger vans would be used to provide the service. Ride-sharing, in which passengers are grouped, will be the basic service mode with the average cost per trip expected to be approximately \$2 a ride as compared to the present average

of \$2.40. Premium service or single-rider service will be available for an additional flat surcharge. The shared-ride taxi service will be used to provide complementary service for the fixed-route system at times of low demand. Persons holding annual passes will be eligible for discount fares at certain times of the day and at certain locations. Railroad commuters, for example, will be allowed to use the shared-ride taxi service for a flat fee of \$1 after 7:30 p.m. Similarly, all passholders will be eligible for a \$1 flat fare on Friday and Saturday evenings.

- d. Special Markets Services -- Advance-request demand-responsive services will be available for elderly and handicapped and for special groups such as day-care centers who wish to subscribe for special services.
- e. Car-Pooling and Van-Pooling Matching -- Car-pooling will be promoted as a part of the overall public information program. Technical assistance will be provided to downtown employees to organize car-pooling programs. Additional assistance for the implementation of van-pooling programs will be provided to major employee centers in the community.

These services are outlined in Figure C.

4. Integration of Existing Services and Service-Providers

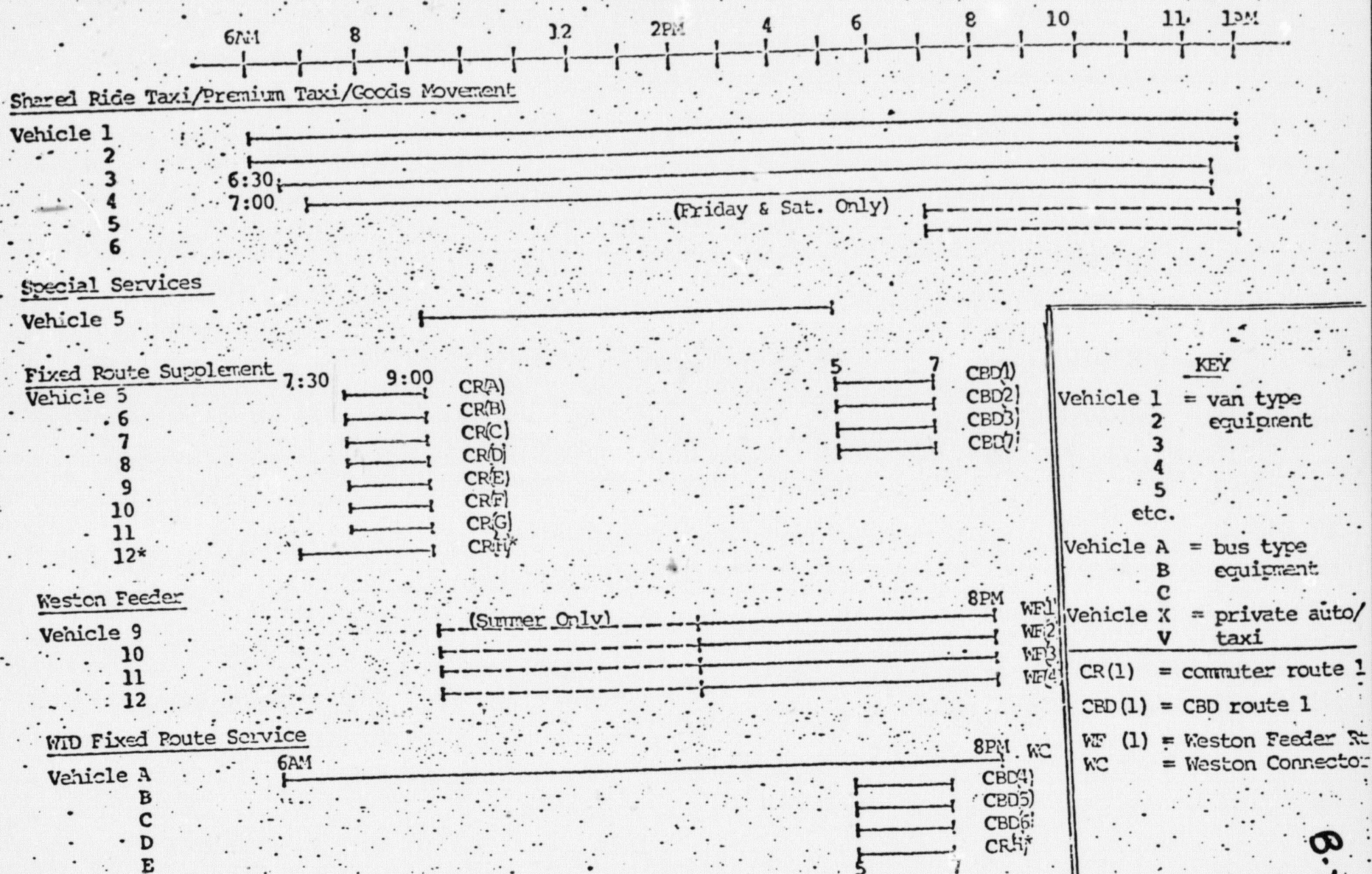
Although the expansion of service is a significant new development the most important new element of this plan will be the integration of conventional transit services provided by the District and new para-transit services provided by the two taxi operators, as well as the out-of-town livery and limousine service and rent-a-car services which the taxi operators will continue to provide. It will bring a multitude of services into a single overall management system and provide a broad range of transit options for individuals as an alternative to private automobile ownership.

It is expected that the major portion of new services will be contracted with these taxi operators. However, in order to achieve the most effective and cost-efficient way of implementing these services, the Transit District will invite the taxi operators to form a single entity presently called "a transportation company" with whom the District will contract in the following manner:

A contract will be executed with the newly-created "Private Transportation Company" (or the successful bidder, if such a company cannot be formed) to provide personnel, supervisory and management functions for the following system elements:



FIGURE C NEW SERVICES TO BE IMPLEMENTED - DEMONSTRATION



* New Saugatuck Shores Commuter Route.

8-229

- a. Shared-ride/premium-ride taxi service, goods movement service and special market service;
- b. Specified supplementary fixed-route services;
- c. Weston feeder service;
- d. Control room and dispatching services for the above-named services, plus all fixed-route services provided directly by the Westport Transit District.

The contract will be negotiated on a cost-plus fixed management fee, with an additional bonus profit incentive for efficient operation of the shared-ride/premium-ride taxi service. This profit incentive will be based on passengers carried and will be directly tied to system productivity levels. The minimum service levels which will be specified, combined with the profit incentive, will serve to stimulate the private operator to provide the most efficient service possible. Under this contract, all revenues generated from these services would belong to the Westport Transit District.

A crucial element to accomplish this integration will be the utilization of a single control center under contract with the taxi operators which will dispatch and monitor the operations of all transportation services offered in the communities of Westport and Weston.

The control center would be responsible for all communications and dispatching for the following services offered directly by, or under contract by, the Westport Transit District:

- a. Fixed-route bus services (operated by the WTD);
- b. Supplementary fixed-route services (operated by the WTD and a private contractor);
- c. Shared-ride taxi, premium-ride taxi, goods movement and special markets services (operated by private contractor);
- d. Car-pooling information brokerage.

In addition, three privately owned and operated transportation services could contract with the Westport Transit District to provide control room functions for their operations:

- 1. Limousine and out-of-town livery services;
- 2. Rent-a-car services; and
- 3. School bus operations.

The maintenance of new equipment to be used in these services will be subcontracted to the local school bus operator who presently maintains all of the Transit District's equipment.

TABLE I

SUMMARY OF ESTIMATED DEMONSTRATION PROJECT GROSS COSTS & REVENUES

	<u>FY 76-77</u>	<u>FY 77-78*</u>	<u>FY 78-79*</u>
I. Non-Capital Demonstration Costs			
A. Operating Costs	\$297,116	\$412,234	\$445,213
B. Control Room Costs	44,158	58,715	63,412
C. System Management Fees	20,000	25,920	27,994
D. Demonstration Administration Costs	96,400	77,652	29,120
E. Contingencies	<u>36,127</u>	<u>49,687</u>	<u>-</u>
TOTAL:	\$493,801	\$624,208	\$565,739
II. A. Project Revenues:			
Pass Sales Weston	\$ 28,140	\$ 48,000	\$ 54,000
Pass Sales Westport	32,250	48,000	55,250
Shared-Ride Taxi Revenues	127,685	182,500	246,375
Miscellaneous Revenues	<u>3,000</u>	<u>5,000</u>	<u>7,000</u>
TOTAL:	\$191,075	\$283,500	\$362,625
B. Subsidy Assistance:			
UMTA	\$195,722	\$221,460	
Connecticut DOT	76,432	85,177	
Westport Transit District	<u>30,572</u>	<u>34,071</u>	
TOTAL:	\$302,726	\$340,708	
TOTAL Revenues & Subsidy	\$493,801	\$624,208	

*8% inflation factor applied

5. Estimated Project Costs and Revenues

The costs for the operation are broken out by various major categories. They include the operating costs which include all expenses of operating and maintaining the vehicles and staffing the service with personnel; the control room costs; the system management fees; the demonstration administration costs which include expenses for items such as a special project manager who will have a major responsibility of evaluating and reporting on the project; and contingencies which are necessary in a demonstration project where certain cost elements are unforeseen.

The revenues would come from three major sources -- pass sales in Westport and in Weston and taxi revenues. In Weston it is projected that 1200 annual passes would be sold averaging \$35 in the first year, \$40 in the second year and \$45 in the third. The initial proposed pass schedule will be as follows:

Single Adult Pass:

Regular	\$45
Commuter	\$85

Single Child's Pass	\$35
---------------------	------

Family Passes:

Husband and Wife (regular)	\$75
Husband and Wife (regular and commuter)	\$105
Each Additional Child	\$30

In Westport it is proposed that pass revenues would come from adding a \$5 surcharge to the existing fares charged to the 5,000 annual passholders and by charging an additional \$40 to the commuters.

The revenues from taxi services are based on achieving an average fare of \$2 per passenger. This is less than the existing revenue per passenger and will be considerably less in the new system in which tipping will not be accepted.

The costs and revenues are projected out over a three-year period of time in order to present the impact at the end of the first two years which will be the maximum length for participation with demonstration funding. In fact the actual project in terms of service will be approximately twenty months consisting of eight months in the first year and twelve months in the second.

The additional financial support over and above the revenues will come primarily from UMTA and will also consist of participation

on the part of the Connecticut Department of Transportation and the Westport Transit District. These latter two bodies will contribute approximately thirty-five per cent of the subsidy needs. A portion of the money required for the demonstration project will be reallocated from the existing contracts between the District and the State DOT for provision of services. The Town of Weston, Connecticut, will be asked to contribute approximately \$21,000 in the first year and between \$25,000 and \$30,000 in the second year. It is not expected that additional money will be required from Westport other than that which will be reallocated.

The third-year budgets do not show subsidy assistance because the UMTA demonstration funds are available for the first two years. It is important to note that there is a decrease in overall operating costs at this point due to the fact that demonstration administration costs and contingency funds will be reduced or eliminated. Furthermore, assuming that the level of State and local funding continued at the same level from years two to three, there is the need for \$80,000 to meet the resulting difference. It is expected that UMTA Section 5 monies and increased local aid will make up this difference.

6. Capital Costs

The capital equipment to be purchased under the demonstration will include thirteen raised-roof vans accommodating twelve passengers at \$13,500. Additionally, there will be new radios and fare boxes needed, a telephone response system to aid in dispatching, system information stands, a transfer station-bus shelter for Weston center, miscellaneous control equipment. The total cost of this equipment will be approximately \$216,000 of which eighty per cent will be Federally funded and twenty per cent State-funded.

7. Goals and Benefits

The system design to be implemented under the Service and Methods Demonstration project will focus on three basic objectives:

1. Demonstration of Service Integration: A broad range of conventional and para-transit services will be developed which are capable of efficiently serving a broad range of market segments. These services will include fixed-route bus, exclusive-ride taxi, shared-ride taxi, special markets dial-a-ride, route-deviation bus, and fixed-route bus.
2. Demonstration of Operations Integration: The Demonstration Program will develop an exemplary model illustrating mechanisms and relationships which allow for the integration of services provided by multiple operators functioning in both.

the public and private sectors. The Westport Transit District, which offers fixed-route bus services, will integrate its operations with those offered by the two private taxi companies in Westport.

3. Demonstration of Suburban Service Potential: The Demonstration will illustrate the market potential for a comprehensive, integrated, and coordinated program of public transportation services in medium- and low-density communities.

Specifically, the Demonstration will seek to achieve the following specific goals which fall within the Service and Methods Program objectives:

1. Improved Coverage: The Westport Transit District seeks to expand the spatial and temporal coverage of services provided under its aegis to encourage travel anywhere within its boundaries seven days a week, eighteen hours each day.
2. Improved Productivity: The Westport Transit District seeks to maintain and improve the current levels of productivity on services it provides directly, as well as significantly improve productivity of existing private sector operations. Specifically, it seeks to achieve:
 - a. An increase in ridership on the downtown-oriented fixed-route system of twenty-five per cent;
 - b. An increase in ridership on the commuter rail fixed-route feeder system of forty per cent;
 - c. An increase in taxi ridership of twenty-five per cent;
 - d. An increase in taxi operating productivity (trips/hour) of one hundred per cent;;
 - e. An increase in Westport Transit District annual pass sales of twenty-five per cent;
 - f. A decrease in overhead and control costs for the system as a whole through consolidation of dispatching functions into a single control room.
3. Improved Service to Special Markets: The Westport Transit District is seeking to expand its services to the very young, the elderly, and the physically handicapped through the efficient provision of door-to-door service.

In addition, the Westport Transit District has two purely local objectives:

4. Reduction of Automobile Commuter Traffic at Saugatuck Railroad Station and within downtown Westport. Severe parking congestion is present at both locations. The Westport Transit District is seeking to minimize and control this problem through an aggressive policy which can capture forty per cent of the potential market.
5. Elimination of Second Car: The Westport Transit District seeks to minimize the prevalence of two or more cars per family within Westport, reducing multiple car ownership rates by ten per cent.

RHB: 11h
1-7-76

Interrelationship Between Project Participants

B.236

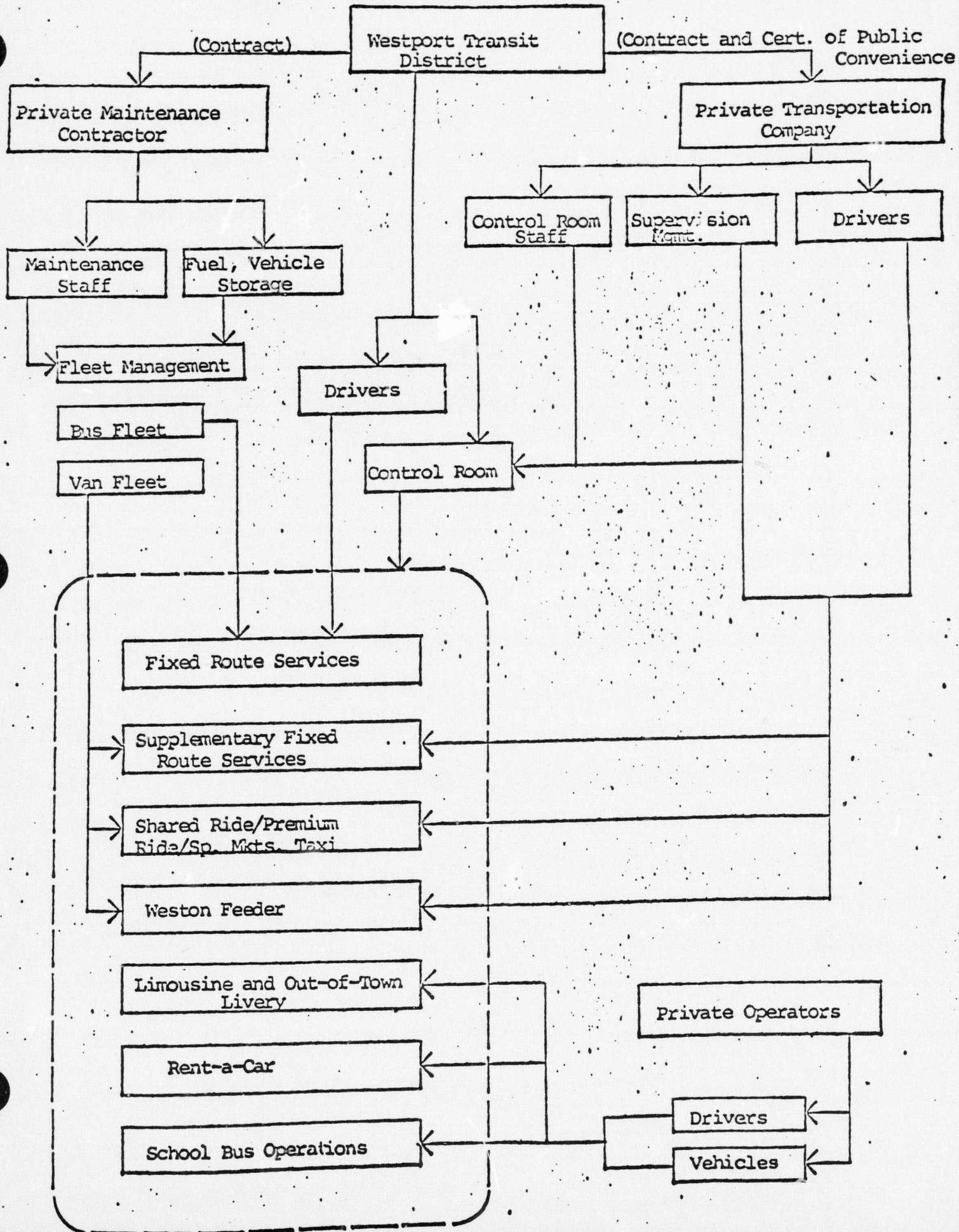
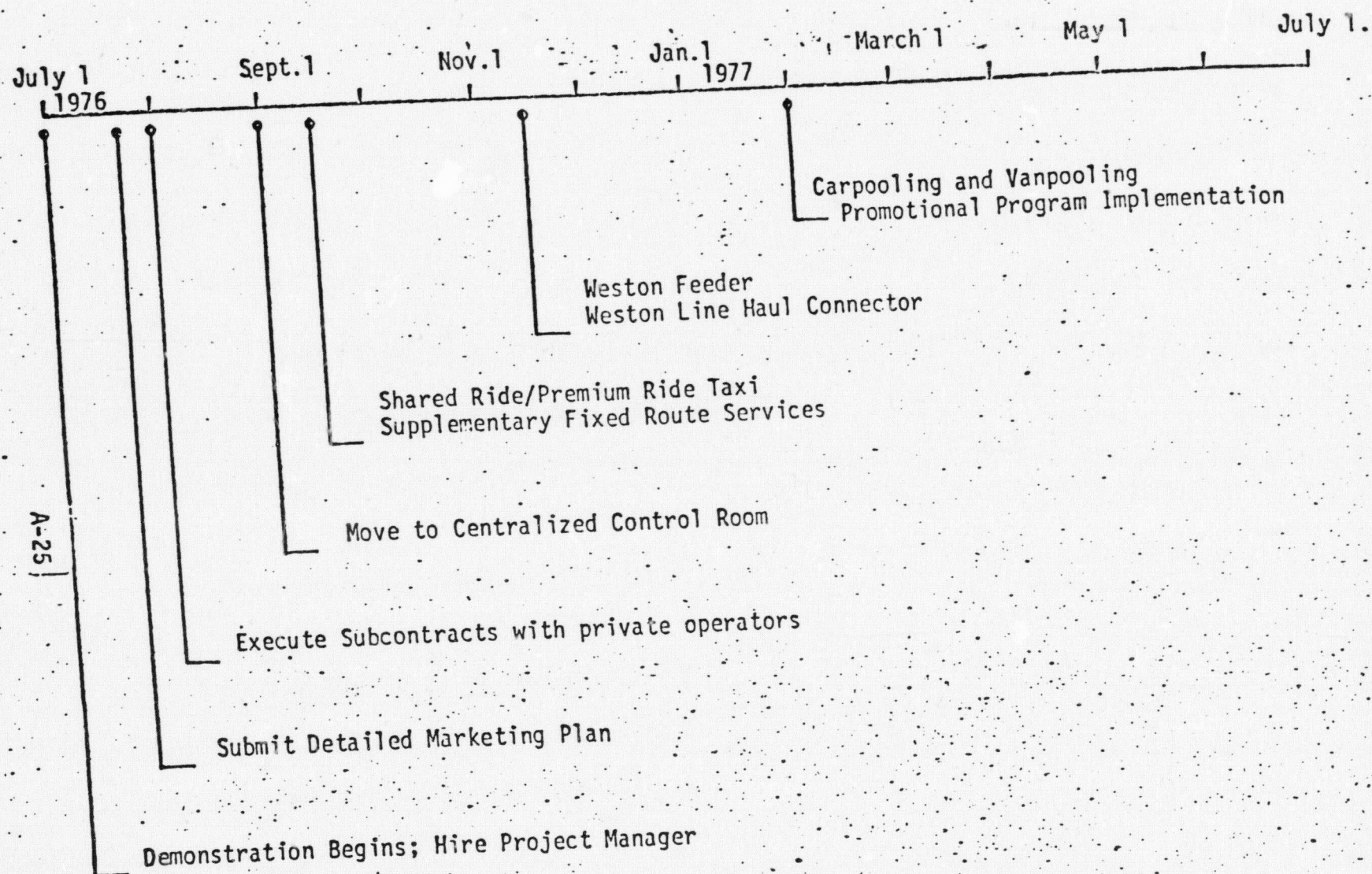




FIGURE 6
SERVICE IMPLEMENTATION SCHEDULE



8.237

715A
B-238
Rel: hi
74-2103
RLL

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TOWNSHIP OF RIDLEY, et al

-vs-

ROBERT W. BLANCHETTE,
RICHARD C. BOND, and JOHN
H. MCARTHUR, Trustees of
PENN CENTRAL TRANSPORTATION
AUTHORITY, et al

CIVIL ACTION

NO. 74-2113

SENT BY
JOHN J. HARDING
CLERK, UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
AT PHILADELPHIA

OPINION AND ORDER

FOGEL, J.

OCTOBER 12th 1976.

Before us are cross motions for summary judgment which present the question of plaintiffs' right to enjoin defendants from constructing, and thereafter using a crossover on the railroad line running from Westchester-Media, Pennsylvania, through Ridley Township to Philadelphia, Pennsylvania. A prior request for a temporary restraining order was denied because of plaintiffs' failure to establish the necessary criteria for the grant of that extraordinary remedy, and consequently construction continued, notwithstanding the pendency of this action. ^{/1}

The parties then proceeded to take discovery in support of their respective motions. ^{/2} For the reasons set forth in this opinion, the motion of defendants for summary judgment will be granted and plaintiffs' motion will be denied.

^{/1} We have been informed by the parties and their counsel that the crossover has been completed and is fully operational. It was urged by defendants that we therefore dismiss the matter as moot. Such a determination would be inappropriate, because (1) the construction was permitted to proceed at the risk that use of the crossover would be prohibited, and (2) it is the use, not the construction of the crossover which is the crux of the action. Thus, since the use issue is prospective, an active controversy is before us and the matter is not moot. See *Roe v. Wade*, 410 U.S. 113, 125 (1973).

^{/2} The parties have stipulated that the trial on the merits be consolidated with the application for a preliminary injunction. See F.R.Civ.P. 65(a)(2).

I. PROCEDURAL AND FACTUAL HISTORY OF THE CASE

This controversy surfaced when workmen of the Penn Central Transportation Company (Penn Central), commenced construction of the crossover in Ridley Township, in the vicinity of Secane Station on the Media-Westchester line.^{/3} The residents of the area, whose houses abut the rear of the tracks, had not been informed of the project prior to the start of construction. Upon inquiry, it was learned that the then current Secretary of the Department of Transportation, Claude Brinegar, had authorized a "demonstration project" under the authority of the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. §§1601, 1605, and had contracted with the Southeastern Pennsylvania Transportation Authority (SEPTA), for the design and construction of the facility. SEPTA was chosen because of its role as the central mass transit authority coordinating transportation in the region. SEPTA, in turn, subcontracted the construction to Penn Central, which owned the track, and operated trains on the commuter rail line for that Authority.

The Secane Crossover was conceived as one element of a demonstration project designed to improve service and increase efficiency of commuter rail facilities along the Media-Philadelphia corridor. The crossover is designed to enable outbound trains from Philadelphia to reverse direction after passing the Secane Station, thus eliminating additional travel to Media, the end of the line, the only other station at which a reversal of direction for the inbound trip to Philadelphia can be accomplished. The Secane turn-around also enables SEPTA to offer increased train service to passengers utilizing the eight stations closest to central Philadelphia, stations which, in fact, account for the heaviest volume of commuter traffic.

^{/3} The basic facts which are an essential backdrop for the pertinent legal issues, have been stipulated at oral argument by the parties. They are based on the joint final pretrial order, and the statements of fact in the memoranda accompanying the cross-motions for summary judgment.

II. CONTENTIONS OF THE PARTIES

Plaintiffs, are Ridley Township and several individuals who purportedly represent the class of residents in the vicinity of the crossover. As noted, there is no dispute with respect to the facts we have related. Plaintiffs' objection goes to the location of the crossover, which is within the existing two-track line situated to the rear of their houses in this heavily populated residential neighborhood. They maintain that the crossover should be located in the industrial section of the township, rather than in a residential area.

Their charges against defendants are grounded upon the following alleged illegal acts: (1) failure of defendants to provide notice and a public hearing under the Urban Mass Transportation Act of 1964, as amended (UMTA), 49 U.S.C. §1601 et seq.; (2) failure of defendants to comply with the provisions of the National Environmental Policy Act (NEPA), 42 U.S.C. §4231 et seq.; (3) failure of defendants to comply with the provisions of the Metropolitan Transportation Authority Act of 1963 (MTAA), 66 P.S. §2002 et seq., and (4) failure of defendants to comply with the applicable regulations and executive orders under each of these statutes.

The defendants have mounted a multi-pronged attack on the complaint. They allege that there are no material issues of fact, and that as a matter of law they should be awarded summary judgment for the following reasons:

(1) Plaintiffs lack standing to maintain this action;
(2) Facts do not exist which can sustain plaintiffs' cause of action, as a matter of law, under UMTA, 49 U.S.C. §1602(d) because:

(a) the Secane crossover does not substantially affect a community or its mass transportation service within the meaning of that section, and

(b) the case does not involve an application for a grant or loan as described by that section;

(3) Facts do not exist which can sustain plaintiffs' cause of action, as a matter of law, under UMTA, 49 U.S.C. §1610, because the Secane crossover has no substantial impact on the environment;

(4) Facts do not exist which can sustain plaintiffs' cause of action, as a matter of law, under NEPA, 42 U.S.C. §4321 et seq., because:

(a) the Secane crossover does not involve major federal action within the meaning of 42 U.S.C. §4332(C); and

(b) the Secane crossover has no significant impact on the environment within the meaning of 42 U.S.C. §4332(C);

(5) Facts do not exist which can sustain plaintiffs' cause of action, as a matter of law, under MTAA, 66 P.S. §2002 et seq., because:

(a) in the absence of any federal cause of action, jurisdiction does not lie for a claim under MTAA, and

(b) the plaintiffs lack standing under MTAA;

(6) Facts do not exist which can sustain plaintiffs' cause of action against defendants for construction or operation of the Secane crossover, because plaintiffs have attacked only the funding of the crossover, and not the manner in which it is to be built or operated.

Our analysis of the record, the pertinent statutes, regulations, executive orders and the controlling decisions lead us to conclude that plaintiffs have standing in this case, although they are not entitled to relief on the merits. Our reasons follow:

A. STANDING

The effect of certain decisions of the Supreme Court

in recent years, in the field of environmental law, has been the creation of broader rights which enable individual citizens to seek judicial review of those actions of public officials and of government agencies that affect those interests which may be termed "environmental" or "aesthetic". In *Sierra Club v. Morton*, 405 U.S. 727 (1972) the Supreme Court held that economic injury, as such, was not an essential requirement for standing to sue. While the pinpointed holding of the Court in that case was that plaintiffs did not have standing, because the Sierra Club had failed to allege that its members actually used the Mineral King area individually, the opinion did recognize that

[a]esthetic and environmental well-being, like economic well-being, are important ingredients of the quality of life in our society, and the fact that particular environmental interests are shared by the many rather than the few does not make them less deserving of legal protection through the judicial process.

Id., at 734. In the case at bar, the individual plaintiffs clearly allege that they, and the other citizens of the township will be individually affected by the change in the use of the railroad property. The requisite personal injury to satisfy the standards of *Sierra Club v. Morton*, *supra*, has therefore been alleged. See also, *United States v. SCRAP*, 412 U.S. 669 (1973). The Township of Ridley, which shoulders the obligation, *inter alia*, of protecting the health, safety and general welfare of its citizens (Complaint, ¶7), clearly qualifies as a proper organizational plaintiff. See, *McDowell v. Schlesinger*, 404 F.Supp. 221, 243 (W.D. Mo. 1975); *Town of Groton v. Laird*, 353 F.Supp. 344, 348 (D. Conn. 1972).

But the inquiry does not end there. A second prong to the test for standing requires, quite apart from a showing of personal injury, be it economic or otherwise, that plaintiffs demonstrate that "the interest sought to be protected...is arguably within the zone of interests to be protected or regulated by the statute"

...in question." Association of Data Processing Service Organizations, Inc. v. Camp, 397 U.S. 150, 153 (1970). Again, this issue raises two questions: FIRST: Is the statutory scheme one which is intended to preclude judicial review altogether? SECOND: If not, is judicial review available to these plaintiffs, in this court, on the basis of the action which has been instituted by them? The application of this prong of the test for standing requires us to examine the individual statutes set forth by plaintiffs as the bases for their claims for relief.

The defendants contend that plaintiffs lack standing under UMTA because the statute precludes judicial review of agency determinations under its provisions; they cite South Suburban Safeway Lines, Inc. v. City of Chicago, 416 F.2d 535, (7th Cir. 1969) in support of their position. In Safeway Lines the Court of Appeals held that plaintiff lacked standing to challenge the discretionary determination of the Secretary of Housing and Urban Development to authorize a grant to finance the acquisition and construction of mass transportation facilities pursuant to section 1602(c) of the Act, because of the absence of a legislative purpose to protect the competitive interests of an independent transportation system. We find Safeway Lines to be inapplicable to the case at bar for two reasons. FIRST: plaintiffs before us are not competitors of the private party defendants - rather they are parties who are legitimately concerned about the environmental effects of the crossover. Section 1602(d) (2) of UMTA, which requires an applicant for a grant or loan to certify that he "has considered the economic and social effects of the project and its impact on the environment", gives its imprimatur to protection of the interests which plaintiffs seek to assert in this case, since they fall "within the zone..." created by that statute. SECOND: defendants fail to discern the vital distinction between our power to review discretionary (albeit, misguided decisions by an administrative agency), in contradistinction to

our power to review illegal actions of the agency. See, *Harmon v. Brucker*, 355 U.S. 579, 582 (1958). Plaintiffs in the case at bar do not ask us to review the substantive decision of the Secretary of Transportation; rather, they contend that a mandatory provision of the statute has been violated because public hearings, which are required under section 1602(d)(1), were not held. Accordingly, we find that plaintiffs do have standing to assert a violation of UMTA by defendants.

It is also clear that plaintiffs' NEPA claims are within the zone of interests sought to be protected by the legislation. See, *Minnesota Public Interest Research Group v. Butz*, 498 F.2d 1314 (8th Cir. 1974) (en banc), in which plaintiff sought to enjoin further logging operations in the Boundary Waters Canoe Area until an impact statement complying with the requirements of NEPA was filed. The Court held that

The environmental interests asserted by MPIRG are well within the zone of interests protected by NEPA. *United States v. SCRAP*, 412 U.S. 669, 686, n. 13, 93 S.Ct. 2405, 37 L.Ed.2d 254 (1973).

Id., at 1324. See also, *National Wildlife Federation v. Morton*, 393 F.Supp. 1286 (D.D.C. 1975), holding that plaintiff's interest in protecting public park areas from an overabundance of off-road vehicles clearly brought it within the "zone of interest" protected by NEPA. *Id.*, at 1289, n. 2. Thus, plaintiffs also have standing to assert their claims under NEPA.

We turn, therefore, to the substantive contentions of the parties. ⁴

B. URBAN MASS TRANSPORTATION ACT, 49 U.S.C.
§1602(d) - HEARING REQUIREMENTS

Plaintiffs allege that the notice and hearing required pursuant to the provisions of 49 U.S.C. §1602(d) were never furnished, and that this violation, alone, necessitates enjoining

⁴ Because we conclude that we do not have jurisdiction to hear the plaintiffs' claims of violation of MTAA, see *infra*, part E, we need not consider whether plaintiffs have standing under that statute.

completion of construction and subsequent use of the crossover. The parties have stipulated that no notice or hearing was provided in connection with the decision to construct the crossover. However, defendants allege that this section does not apply to this project. The pertinent portion of the statute reads as follows:

1602(d). Any application for a grant or loan under this chapter to finance the acquisition, construction, reconstruction, or improvement of facilities or equipment which will substantially affect a community or its mass transportation service shall include a certification that the applicant -

(1) has afforded an adequate opportunity for public hearings pursuant to adequate prior notice....

(emphasis added).

UMTA sets up three distinct categories of projects with respect to financing and operation: (1) those independently funded, (2) those funded by a grant, and (3) those entered into and funded through the contract route. The hearing requirement in section 1602(d) is addressed specifically to proceedings pursuant to a grant or loan. The question therefore is whether the hearing requirement applies to a project such as the Secane Crossover, which has been undertaken pursuant to a contract.^{/5} Plaintiffs argue that no significance should be attached to the distinction among the various terms used by Congress in this statute, while defendants contend that the differences are critical.

UMTA was the product of deep Congressional concern about the problems facing urban regions in their efforts to improve commuter accessibility to cities. Several approaches were adopted in an effort to ameliorate these ills. One solution was to make federal funds available for financing projects undertaken by individual state or local mass transit systems. (Section 3 of UMTA,

^{/5} It is not disputed that the Secane Crossover is a demonstration project undertaken pursuant to the contract with the Department of Transportation to SEPTA. See Affidavit of Peter V. Young, at page 2, and accompanying exhibit (Contract between SEPTA and Department of Transportation, at page 2).

Act of July 9, 1964 Pub.L.No. 88-365, 78 Stat. 393, 49 U.S.C. §1602). An applicant for federal funds under this section is required to certify that it has complied with the detailed procedural requirements of Section 1602(d), which include, inter alia, public hearings, consideration of the impact of the project on the environment, and a finding that the project is consistent with official plans for comprehensive development of the urban community.

Another provision of the Act contemplates research, development, and demonstration projects which are designed to

assist in the reduction of urban transportation needs, the improvement of mass transportation service, or the contribution of such service toward meeting total urban transportation needs at minimum cost.

UMTA, §6, 49 U.S.C. §1605(a). The stated purpose is to produce results which would benefit vicinities that are beyond the immediate locale of the project.^{/6} Under this section the Secretary of Transportation is required to consult with the Secretary of Commerce in order to coordinate their efforts, and is required to develop a program which would

(1) concern itself with all aspects of new systems of urban transportation for metropolitan areas of various sizes, including technological, financial, economic, governmental, and social aspects; (2) take into account the most advanced available technologies and materials; and (3) provide national leadership to efforts of States, localities, private industry, universities, and foundations.

49 U.S.C. §1605(b).

The 1968 amendment to UMTA did not alter this structural differentiation between the approaches of Section 1602 and Section 1605 of the Act. Rather, the changes increased the funding available specifically for demonstration projects. Furthermore, amendments in 1970 served only to extend the authority of the Secretary to pro-

^{/6} See 1964 U.S. Code Congressional and Admin. News 2569, 2583.

ceed under section 1605 without altering the structure of the Act. Pub.L. 91-453, §13(b), October 15 1970, 84 Stat. 969. Thus it is clear from the Act itself, and from its legislative history and statutory evolution, that the differential in structure was deliberately and consistently reinacted by the Congress.

Nor is it unreasonable for Congress to set, as it did, more stringent strictures upon non-federal projects than those placed upon projects undertaken by the Secretary of Transportation. The control of funds, and the responsibility for specific utilization of federally-provided resources present a sharp dichotomy in the two situations. The Secretary is under a mandate to prepare

a program of research, development, and demonstration of new systems of urban transportation that will carry people and goods within metropolitan areas speedily, safely, without polluting the air, and in a manner that will contribute to sound city planning.

49 U.S.C. §1605(b). However, there is no equivalent set of requirements which similarly affect state and local public agencies receiving funds under Section 1602. It is therefore entirely rational for Congress to require that the Secretary demand specific showings of need and consideration of the anticipated environmental impact with respect to projects for which funds are sought under Section 1602, even though it does not require an equivalent condition for projects funded under section 1605.

We therefore conclude that there is indeed significance in the statutory distinction, FIRST: between loans, grants, and contracts, and SECOND: between projects undertaken with federal money by state and local public agencies, and projects undertaken by the Secretary of Transportation with broader experimental-developmental-demonstrational purposes. Thus, the project which is the subject matter of the instant suit, and which was without question undertaken pursuant to a contract as a demonstration project, is

not subject to the notice and hearing requirements of section 1602(d). Accordingly, the Secretary was not required to demand that public hearings be held.

Therefore, we need not construe that language of 49 U.S.C. §1602(d) which goes to the issue of whether the proposed project "will substantially affect a community or its mass transportation service". (emphasis added).

C. URBAN MASS TRANSPORTATION ACT, 49 U.S.C. §1610 - WRITTEN FINDINGS

Plaintiffs also assert a violation of the procedural requirements of Section 1610 of the UMTA. Section 1610 is a special provision of the Act which outlines the policy and the procedures the Secretary is to follow in evaluating the effect of projects on the environment. Subsection (a) states:

It is hereby declared to be the national policy that special effort shall be made to preserve the natural beauty of the countryside, public park and recreation lands, wildlife and waterfowl refuges, and important historical and cultural assets, in the planning, designing, and construction of urban mass transportation projects for which Federal assistance is provided pursuant to section 1602 of this title.

49 U.S.C. §1610(a) (emphasis added). Subsection (b) carries the following procedural mandate:

The Secretary shall review each transcript of hearing submitted pursuant to section 1602(d) of this title....

49 U.S.C. §1610(c) (emphasis added).

The defendants argue there is no cause of action based on section 1610 of the UMTA, because the Secane crossover has no substantial impact on the environment. While we are in accord with the conclusion, we cannot follow the route they have taken to reach that end. Section 1610 of the Act demands meticulous review of the applications submitted by state and local agencies under section 1602. It does not relate at all to demonstration projects undertaken by the Secretary directly or by contract under

section 1605. Each of the subsections of section 1610 applies specifically to section 1602; indeed, reference is made specifically to section 1602(d) (the notice and hearing subsection of section 1602). On its face it does not apply to the case at bar. Moreover, this language remains unchanged consistently through several revisions of the act since its initial passage by Congress in 1964. Although the funding for section 1605 has been increased significantly, there has been no change in the pattern of distinction between projects spawned under section 1602, and those initiated under section 1605. Therefore, the environmental strictures of 49 U.S.C. §1610 are inapplicable in this case.

D. NATIONAL ENVIRONMENTAL POLICY ACT,
42 U.S.C. §4321, et seq.

Plaintiffs assert a violation of the National Environmental Policy Act as another basis for their suit. The purpose of that Act was to declare a national policy for the protection of the environment and to outline measures which would further that policy. 42 U.S.C. §4321. That purpose was stated in the following language:

In order to carry out the policy set forth in this chapter it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may --

(1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(5) achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

42 U.S.C. §4431(b) (emphasis added). The specifics of this policy direction were outlined in section 4332, dealing with cooperation between agencies:

The Congress authorizes and directs that, to the fullest extent possible: ... (2) all agencies of the Federal Government shall --

....
(C) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on --

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local, regional, and national uses of man's environment and the enhancement and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

42 U.S.C. §4332 (emphasis added).

Plaintiffs contend that the Secane crossover is a "major Federal action[]" significantly affecting the quality of the human environment"; hence, they argue that an environmental impact statement is required. Defendants admit that no impact statement was filed, but urge that none is required under the statute because: (1) this is not a major federal action, and (2) the crossover does not significantly affect the quality of the human environment.

It cannot be disputed that the Department of Transportation is the participant responsible for the threshold determination as to whether or not an environmental impact statement is required. *Hanly v. Kleindienst*, 471 F.2d 823, 828 (2d Cir. 1972), cert. denied, 412 U.S. 908 (1973). It is also clear, as noted previously, that this is a federal project. The questions facing the department were the following ones: (1) was the action "major"? (2) was there an effect on the human

environment? and (3) was this effect "significant"? An uncontroverted affidavit of SEPTA's Manager of Program Development describes the preliminary evaluation of the Secane crossover project and the informal pursuit of opinions which were elicited from various regional and other planning organizations.^{/7} Another undisputed affidavit from the Executive Director of the Delaware Valley Regional Planning Commission, explains the background planning concepts and studies which led to the proposal for the Secane crossover.^{/8} From this uncontradicted evidence now in the record, we find that a determination was in fact made with respect to the necessity for an environmental impact statement. Thus, the instant case is in sharp contrast to those cases in which a determination prior to the commencement of a project had not been made, and an ensuing cover-up was manufactured in an effort to justify the lack of a pre-commencement impact statement. See, e.g., *Named Individual Members of San Antonio Conservation Society v. Texas Highway Department*, 446 F.2d 1013 (5th Cir. 1971), cert. denied, 406 U.S. 933 (1972).

1. STANDARD OF REVIEW

Therefore, the question before us is the standard to be applied by us in our review of the departmental decision which negated promulgation of an impact statement.

There is a sharp split of authority on this issue. The dispute has been fueled by the mixed "fact-and-law" nature of the questions faced by the agency. The definition of the terms "major" and "significant" is a matter of law; all well and good! The rabbit in the hat is that the findings which are the sine qua non before deciding that question of law, are of necessity Findings of Fact which we must make. Hence, the circle goes round.

The Second Circuit has held that judicial review of

^{/7} Affidavit of Peter V. Young,

^{/8} Affidavit of Walter K. Johnson.

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agency determinations of law is de novo, while factual determinations must be sustained unless they are arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law. Hanly v. Kleindienst, 471 F.2d 823, 828 (2d Cir. 1972). This conclusion was based on §10(e) of the Administrative Procedure Act (APA), 5 U.S.C. §706, which had been held to be the proper statutory guide for review of similar agency decisions by the Supreme Court in Citizens to Preserve Overton Park, v. Volpe, 401 U.S. 402, 413-14 (1971). The Hanly Court pointed out the availability of a "rational basis" test for cases involving mixed questions of fact and law, see, NLRB v. Hearst Publications, 322 U.S. 111, 131 (1944), but chose to apply the "arbitrary and capricious" standard, in reliance on the Supreme Court's determination in Citizens to Preserve Overton Park, supra, because it saw a close similarity between the Department of Transportation Act of 1966, 49 U.S.C. §1653, reviewed in Overton, and NEPA, which it was then considering.

Other courts have reached different conclusions. War-rant in the record and a reasonable basis in law was the standard applied in Citizens for Reid State Park v. Laird, 336 F.Supp. 783, 789 (D.Me. 1972). De novo review was invoked in Scherr v. Volpe, 336 F.Supp. 886, 888 (W.D. Wis. 1971), aff'd, 466 F.2d 1027 (7th Cir. 1972). The arbitrary and capricious standard was adopted in Goose Hollow Foothills League v. Romney, 334 F.Supp. 877 (D. Ore. 1971); Smith v. City of Cookeville, 381 F.Supp. 100 (M.D. Tenn. 1974); and Duke City Lumber Co. v. Butz, 382 F.Supp. 362 (D.D.C. 1974). However, in Save Our Ten Acres v. Kregar, 472 F.2d 463, 465 (5th Cir. 1973), the Court of Appeals reversed the district court's application of the arbitrariness standard, and remanded the case for evaluation under a "reasonableness" standard, see also Wyoming Outdoor Coordinating Council v. Butz, 484 F.2d 1244 (10th Cir. 1973); Kisner v. Butz, 350 F.Supp. 310 (N.D. W.Va. 1972).

The Third Circuit has not yet squarely confronted this issue. However, it has provided a possible clue to its position in *Transcontinental Gas Pipe Line Corp. v. Hackensack Meadowlands Development Commission*, 464 F.2d 1358 (3d Cir. 1972). Because the Court determined that NEPA should not be applied retroactively it held that no impact statement was required. The court noted in dictum, however, with regard to the agency's position that a major action requiring an impact statement was not involved,

that the approval of the construction of the facility in question is certainly not the type of "action" which most reasonable men would conclude, without any guidelines, to be either "major" or even an "action".

Id., at 1367 (emphasis added). See, Comment, Threshold Determination under the National Environmental Policy Act of 1969, 5 Rutgers Camden L.J. 380, 383, n. 16 (1974).

We have carefully reviewed the positions taken by the various district and circuit courts. We have also examined the guidelines issued by the Council on Environmental Quality, in 40 C.F.R. Part 1500. Finally, we have noted that the Supreme Court itself actually applied a "reasonableness" standard in *Overton*, despite its recital of the APA directive as to pure factual questions. In light of the foregoing, and of the strong policy behind NEPA, we find that the "reasonableness" test is the most appropriate one for review of a threshold agency decision which negated the filing of an environmental impact statement. Accord, *Concerned Residents of Buck Hill Falls v. Grant*, 388 F.Supp. 394, 398 (M.D. Pa. 1975) (Muir, J.); *Borough of Morrisville v. Delaware River Basin Commission*, 399 F.Supp. 469, 478 (E.D. Pa. 1975) (dictum; Newcomer, J.). Contra, *Union Mechling Corporation v. United States*, 390 F.Supp. 411, 432 (W.D. Pa. 1974) (Scalera, J.).

2. "MAJOR FEDERAL ACTION"

The meaning of the terms "major" and "significant" has not been determined in this circuit, nor have those terms been

defined with clarity in many other circuits. In some cases defendant has conceded that the project is "major". See, e.g., *Life of the Land v. Brinegar*, 485 F.2d 460, 465 (9th Cir. 1973), cert. denied, 416 U.S. 961 (1974); *Town of Groton v. Laird*, 353 F.Supp. 344 (D. Conn. 1972). In other cases the project so obviously has been "major" as to obviate the necessity of reaching that issue. See, e.g., *Named Individual Members of the San Antonio Conservation Society v. Texas Highway Department*, 446 F.2d 1013, 1025 (5th Cir. 1971). Several cases, however, have dealt with the question. In *Natural Resources Defense Council, Inc. v. Grant*, 341 F.Supp. 356 (E.D. N.C. 1972), the court stated:

A "major federal action" is federal action that requires substantial planning, time, resources, or expenditure. The Chicod Creek Watershed Project is a "major federal action". This project calls for sixty-six miles of channelization and the expenditure of \$1,503,831, \$706,684 of which is to be federally funded. The project has been in the planning and preparation stages for several years. Many persons and agencies have become involved and concerned with this project, and the construction of this project will require a substantial amount of time and labor. Certainly this can be considered to be a "major federal action".

Id., at 366-67. Plans for the watershed project involved an area of 35,100 acres in North Carolina, affected several thousand homes, many farms, and major stream channels totaling over sixty-six miles in length.

Julis v. City of Cedar Rapids, 349 F.Supp. 88 (N.D. Iowa 1972) concerned proposed street improvements which were designed to eliminate a bottleneck in the sole major east-west traffic artery in the city. Small slices of land, up to four-and-one-half feet wide, none of which were parkland or under occupied structures, were taken from ten property owners. Federal expenditures amounted to less than \$300,000. No impact statement had been prepared, and opponents of the improvements were suing to preliminarily and permanently enjoin construction. The Court held that

by using the term "major" Congress reasonably intended to limit the Act to those federal actions of superior, larger and considerable importance, involving substantial expenditure of money, time and resources.

Id., at 89. A review of the evidence convinced the Court that the project clearly was not major federal action.

In San Francisco Tomorrow v. Romney, 472 F.2d 1021 (9th Cir. 1973), amendatory contracts to increase the federal funding of a project to compensate for rising costs of land acquisition and relocation of displaced residents were held not to constitute major federal action within the meaning of the Act, as a matter of law. Id., at 1025.

Those cases which have found the existence of major federal action have ordinarily involved highway extensions, large structures which alter the neighborhood, major dams or river projects, and other projects which can generally be characterized as involving sizeable federal funding (over one-half-million dollars, and usually well over one million), large increments of time for the planning and construction stages, the displacement of many people or animals, or the reshaping of large areas of topography.

In sum, "major" is a term of reasonable connotation and serves to differentiate between projects which do not involve sufficiently serious effects to justify the costs of completing an impact statement, and those projects with potential effects which appear to offset the costs in time and resources of preparing a statement. See cases cited, supra. See also Hanly v. Kleindienst, 471 F.2d 323 (2d Cir. 1972) (not required where the impact will be minor or unimportant, or where there is no sensible reason for making one); Arlington Coalition v. Volpe, 458 F.2d 1323 (4th Cir.), cert. denied, 409 U.S. 1000 (1972) (six lane highway -- major action); Ely v. Velde, 451 F.2d 1130 (4th Cir. 1971) (\$775,000 federal grant for construction of a correctional center - major action); Kigner

v. ... 1972) (4.3 miles of road in national forest -- major action); Izaak Walton League v. Schlesinger, 337 F.Supp. 287 (D.D.C. 1971) (licensing of nuclear power plant -- major action); Goose Hollow Foothills League v. Romney, 334 F.Supp. 877 (D. Ore. 1971) (\$3,000,000 high-rise student dormitory in neighborhood without any other high-rise buildings -- major action).

3. "SIGNIFICANT ENVIRONMENTAL IMPACT"

The term "significant" has also been interpreted in many of the cases previously discussed. Goose Hollow Foothills League, supra, relied on the change in character of the neighborhood in ordering the agency to present its reasons for its failure to draft an impact statement. The implication was that the project was indeed significant in that area. Citizens for Reid State Park v. Laird, 336 F.Supp. 783 (D. Me. 1972), viewed "significant" in the sense of total environmental impact, which was broken down into long-term adverse effects, unavoidable short-term effects, unusual changes in noise levels, waste and sewage, and the degree of irreversible damage. In Town of Groton v. Laird, supra, the court's inquiry was directed to the issue of the novelty, if any, in the construction of new homes in a growing township; it observed that the chief complaint in fact appeared to be that the Navy was not following the exact pattern of the township zoning plan. Hanly, supra, held that ordinary common sense would be a sufficient guide. In Natural Resources Defense Council, Inc. v. Grant, supra, the Court said that

The standard "significantly affecting the quality of the human environment" can be construed as having an important or meaningful effect, direct or indirect, upon a broad range of aspects of the human environment. The cumulative impact with other projects must be considered. Any action that substantially affects, beneficially or detrimentally, the depth or course of streams, plant life, wildlife habitats, fish and wildlife, and the soil and air "significantly affects the quality of the human environment."

341 F.Supp. at 357. Finally, in *Julis v. City of Cedar Rapids*, *supra*, the Court stated that the increase in traffic which plaintiffs contended would occur with the widening of the roadway was not significant, because the same increase probably would have occurred irrespective of the widening of the road; thus it held that increased traffic could not be ascribed to the effects of the road improvements along the short in-city stretch.

In addition to this case law, federal regulations promulgated by the Council on Environmental Quality suggest definitions for these two terms which are quite broad, but generally parallel to those hammered out by the courts. 40 C.F.R. §1500.6. See also, *Duke City Lumber Co. v Butz*, 382 F.Supp. 362, 374, n. 36 (D.D.C. 1974); *Smith v. City of Cookeville*, 381 F.Supp. 100, 109-10 (M.D. Tenn. 1974).

4. THE FACTS OF THE INSTANT CASE

The posture of this suit is one in which the parties have submitted the matter to us on cross-motions for summary judgment. The standard under Rule 56 of the Federal Rules of Civil Procedure is clear in this circuit. Summary judgment may be granted only if there are no material facts in dispute. *Sarnoff v. Ciaglia*, 165 F.2d 167 (3d Cir. 1947). Thus, the inquiry is whether there are any material facts which are in dispute within the context of the controlling legal principles.

Affidavits have been submitted by all parties and by the witnesses for the parties who would have appeared at a trial of the case. Certain facts are uncontroverted. Other facts were given to us of record at oral argument. The location of the cross-over is entirely within the existing and currently used railroad right-of-way near the Secane Station on the Media-West Chester commuter rail line.¹⁹

¹⁹ Affidavit of Harry W. Hall.

Parallel rail lines about twelve feet apart, measured center to center, exist at that point. ^{/10} The crossover includes two switches, one on each rail line, approximately 375 feet of track, signal connections, and an overhead wire to provide power to trains using the connecting section. ^{/11} The signal connections are electronic or pressure-operated switches similar to those already in the track section for warning vehicular and pedestrian traffic on the several roads which cross the railroad right-of-way. ^{/12} Approximately forty-two trains presently use the line daily. These trains carry about fifteen thousand passengers each way. ^{/13} The crossover at Secane Station will be used by passenger commuter trains only; that use will be restricted to two trains travelling in each direction, or a total of four trains a day. ^{/14} The subject commuter trains are electrically-powered units, with operator's controls at each end. ^{/15} The crossover operation will involve the following steps: (1) opening one switch; (2) moving the train along the crossover rail segment; (3) opening the other switch; and (4) passing the train onto the rail line which operates in the opposite direction. The train will then rest for a short period which will not exceed five minutes during which time, First: one pantograph will be lowered; Second: the other will be raised to make contact with the overhead wire; and Third: the operator will pass from one end of the train to the other. The train will then move back into the station to permit passengers to board for the return trip. ^{/16}

^{/10} Based on general information provided at oral argument.

^{/11} Affidavit of Harry W. Hall.

^{/12} Affidavit of Robert E. Rohrbacher.

^{/13} Exhibits to Affidavit of Walter K. Johnson

^{/14} Affidavit of Harry W. Hall.

^{/15} Id.

^{/16} Id. See also Affidavit of James McAlea.

The purpose of the new crossover is to permit several daily commuter trains to reverse direction without having to traverse the entire length of the commuter route; the result is an increase in the speed of service on the line. The line is already heavily travelled, both by commuter and freight traffic.^{/17} The use of the crossover will occasion some change in the noise level, or at least in the noise characteristics, since trains will be in the vicinity for about five minutes at a low speed instead of the current twenty-to-thirty second high-speed passage which occurs at least forty times daily.^{/18} The actual noise level is in dispute; plaintiffs contend that it will be unbearable, while defendants claim that it will be substantially the same as, or less noisy than current levels.^{/19} Coupling or uncoupling of cars will not occur at the crossover, and diesel or freight trains will not use it. Similar crossovers are a commonplace occurrence along railroad lines throughout the nation, and many are operated in residential neighborhoods throughout the greater Philadelphia metropolitan area comparable to the area of Secane affected.^{/20} The construction of the crossover is federally funded in toto as a demonstration project pursuant to a contract with the Department of Transportation. The total contract cost allocated to the crossover is \$168,973.^{/21}

Before issuing the project contract, the Department of Transportation engaged in studies of the rail commuter operations in the Philadelphia area.^{/22} The Secane crossover was one of the

^{/17} Affidavit of Harry W. Hall.

^{/18} Id. Affidavit of James McAlea.

^{/19} For plaintiffs, see Affidavits of Mary Rybicki, James McAlea and Frank McKeon, Jr. For defendants, see Affidavits of Harry W. Hall and Robert E. Rohrbacher.

^{/20} Affidavit of Harry W. Hall.

^{/21} Affidavit of Peter V. Young.

^{/22} Affidavits of Peter V. Young, Harry W. Hall, and Walter K. Johnson, and supporting exhibits.

proposals generated by that study. The proposal was further investigated to determine whether there would be any significant effects on the environment, and whether it would meet the approval of the regional planning group. The specific location was dictated by a combination of factors, including: (1) cost; (2) geography; (3) current operation; (4) station location; and (5) safety. The relationship of the crossover to present street crossings and safety signals was of prime significance in arriving at the decision.^{/23} The Delaware Valley Regional Planning Council, the designated agency charged with the responsibility of review of federally assisted projects, found that the project would not have adverse impact on the environment.^{/24} In short, a determination was made that an environmental impact statement was not necessary.

We recognize that there are some factual disputes, particularly concerning the wisdom of the particular choice of location, the anticipated noise levels, and the potential effect of this crossover on property values along Secane Road. However, none of the disputed facts are material with respect to the critical question: Is the project a major one? The crossover involves approximately 375 feet of track which will be used by only four trains daily of a total of approximately forty-two daily trains that use the Media-West Chester line; moreover, it involves a cost allocation of only \$168,973. These undisputed facts, when superimposed against the facts of the cases cited in section 2, supra, lead us to conclude that the matter before us does not rise to the level of major federal action.

/23 Affidavit of Robert E. Rohrbacher.

/24 Affidavit of Walter K. Johnson and supporting exhibits.

The Secretary of Transportation's authority to delegate this aspect of his reviewing function to state or local agencies is clear beyond doubt. See, *Pennsylvania Environmental Council, Inc. v. Bartlett*, 315 F.Supp. 238, 249 (M.D. Pa. 1970) (dictum), *aff'd.*, 454 F.2d 613 (3d Cir. 1971); and *National Forest Preservation Group v. Volpe*, 352 F.Supp. 123 (D.Mont. 1972).

The disputed facts relate solely to the second issue - is the human environment significantly affected as a result of this project? While these factual disputes cannot be resolved on the record before us under the standards of F.R.Civ. P. 56, their resolution would, in any case, be inappropriate. We are reviewing an agency decision which involved alternative choices. Our only legitimate inquiry goes to the reasonableness of the decision reached in light of the opposing positions taken by the parties. *Save Our Ten Acres v. Kreger*, 472 F.2d 463 (5th Cir. 1973). This inquiry must be substantial and searching. *Hiram Clarke Civic Club, Inc. v. Lynn*, 476 F.2d 421 (5th Cir. 1973). For that reason, after examining the affidavits and the record then before us, we required additional affidavits and briefing from the parties. A review of the entire record, as augmented, convinces us that the agency conclusion which rules out any significant environmental impact as a result of the crossover is a reasonable one. Accordingly, there was no violation of NEPA by reason of the failure of the agency to prepare an environmental impact statement in this case.

E. METROPOLITAN TRANSPORTATION AUTHORITY ACT
OF 1963, 66 P.S. §2002, et seq.

Disposition of plaintiffs' claims under UMTA and NEPA eliminates all of the federal statutory causes of action in this matter. No diversity of citizenship exists between the parties, nor is there an independent basis for federal jurisdiction. The question which remains, therefore, is whether a state cause of action should be entertained under the doctrine of pendent jurisdiction in the absence of a federal question.

United Mine Workers v. Gibbs, 383 U.S. 715 (1966) is the decisional fountainhead of the doctrine of pendent jurisdiction. The Supreme Court, in that case, enumerated two distinct

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inquiries which must be made in considering the propriety of exercising pendent jurisdiction: first, whether we have the power to assume jurisdiction over the pendent claim; and second, whether the exercise of that power is appropriate, under the circumstances. *Moor v. County of Alameda*, 411 U.S. 693 (1973). See also, *Aldinger v. Howard*, U.S. , 49 L.Ed. 2d 276 (1976).

The judicial power to hear state claims exists whenever there is a federal claim

and the relationship between that claim and the state claim permits the conclusion that the entire action before the court comprises but one constitutional "case". The federal claim must have substance sufficient to confer subject matter jurisdiction on the court. [citation omitted] The state and federal claims must derive from a common nucleus of operative fact. But if, considered without regard to their federal or state character, a plaintiff's claims are such that he would ordinarily be expected to try them all in one judicial proceeding, then, assuming substantiality of the federal issues there is power in federal courts to hear the whole.

Gibbs, *supra*, 383 U.S. at 725 (footnotes omitted; emphasis in the original).

The decision to hear a pendent state claim is one which falls within the discretionary powers of the District Court.

That power need not be exercised in every case in which it is found to exist. It has consistently been recognized that pendent jurisdiction is a doctrine of discretion, not of plaintiff's right. Its justification lies in considerations of judicial economy, convenience and fairness to litigants; if these are not present a federal court should hesitate to exercise jurisdiction over state claims, even though bound to apply state law to them, [citation omitted]. Needless decisions of state law should be avoided both as a matter of comity and to promote justice between the parties, by procuring for them a sure-footed reading of applicable law. Certainly, if the federal claims are dismissed before trial, even though not insubstantial in a jurisdictional sense, the state claims should be dismissed as well.

Id., at 726 (footnotes omitted; emphasis added).

Under this standard we will dismiss the plaintiffs' pendent state claims for lack of federal jurisdiction.

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III. CONCLUSION

We conclude that (1) the defendants have not violated the provisions of UMTA or NEPA; (2) we do not have jurisdiction over the claims arising under the MTAA; and (3) the defendants are entitled to summary judgment ^{/25} in their favor. We will therefore grant the defendants' Motion for Summary Judgment, and deny plaintiffs' cross-motion for the same relief.

An appropriate Order will issue.

BY THE COURT:


HERBERT A. FOGEL
United States District Court

J.

/25 Our disposition of the case on the grounds upon which we have decided the matter, makes it unnecessary to consider defendants' final contention that the plaintiffs are not entitled to relief because they attack only the funding of the Secane Crossover, not the manner in which it has been built or is to be operated.

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TOWNSHIP OF RIDLEY, et al

-vs-

ROBERT W. BLANCHETTE, : CIVIL ACTION
RICHARD C. BOND, and
JOHN H. McARTHUR, Trustees
of PENN CENTRAL TRANSPORTATION
AUTHORITY, et al : NO. 74-2113

O R D E R

AND NOW, to wit, this 17th day of Sept 1976, .
after consideration of (1) the complaint and answer, (2) cross-
motions for summary judgment, (3) memoranda and affidavits in
support thereof submitted by the parties, and (4) the matters
elicited at oral argument, for the reasons expressed in the
foregoing Opinion, it is hereby ORDERED that Plaintiffs' Motion
for Summary Judgment is DENIED; that Defendants' Motion for
Summary Judgment is GRANTED; and that the complaint is DISMISSED.

BY THE COURT:

Herbert A. Fogel
HERBERT A. FOGEL J.
United States District Court

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Title 49—Mass Transportation

CHAPTER VI—URBAN MASS TRANSPORTATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 613—PLANNING ASSISTANCE & STANDARDS

Subpart C—Coordination of Federal and Federally Assisted Programs and Projects

INTERIM REGULATIONS

• **Purpose:** The purpose of this document is to issue interim regulations to implement OMB Revised Circular A-95, Evaluation, Review and Coordination of Federal and Federally Assisted Programs and Projects (41 FR 2052, January 13, 1976). •

OMB Circular No. A-95 (A-95) establishes guidelines for coordinating Federal and federally assisted programs and projects with each other and with State, regional, and local plans and programs. The broad policy base on which A-95 rests is Title IV of the Intergovernmental Cooperation Act of 1968 (Pub. L. 90-577). Title IV directs the President to "establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development." In addition, Title IV requires that "All viewpoints—national, regional, State, and local—shall, to the extent possible, be duly considered and taken into account in planning Federal or federally assisted development programs and projects."

For the most part this regulation constitutes a more explicit statement of previously uncodified policies and procedures. These interim regulations replace the following operating procedures: External Operating Manual dated August 1972, as amended, pages IIB-7, 8; Appendix 3, p. 35; and Appendix 5, p. 13.

These proposed rules also incorporate the concepts of the recently finalized joint FHWA/UMTA planning and programming regulations (40 FR 42976 and 49279, September 17, 1975), which govern the development and processing of transportation improvements in urbanized areas. The intent of the concepts in the FHWA/UMTA planning and programming regulations parallels part of the aim of the A-95 review procedures in metropolitan areas, such as: Providing for participation by local elected officials; inclusion of nonfederal projects in the review process for information only; establishing a metropolitan forum for cooperative transportation decisions. By incorporating some of the key requirements of the FHWA/UMTA planning and programming regulations into these interim rules, the transportation planning and A-95 review process will be merged and simplified. For example, in urbanized areas, a review of a single document, called the transportation improvement program, which contains in its annual element a list of proposed projects will satisfy both FHWA/UMTA planning and A-95 review requirements for the individual projects in the TIP. The FHWA/UMTA planning regulations require State Governors to designate

Metropolitan Planning Organizations (MPO) to cooperatively develop metropolitan project priorities. FHWA and UMTA have encouraged Governors to designate existing A-95 metropolitan area-wide clearinghouses as the MPO. In the past, before the requirements, urbanized transportation improvements tended to be planned on a unimodal, project-by-project basis without full consideration of Federal program overlaps, multi-jurisdiction—State agreements, regional development, systems management, environment, energy, equal opportunity, etc. Many of those elements will also be considered in the A-95 review process.

OMB's proposed revision to Circular No. A-95 allows Federal agencies to identify exceptions from the A-95 review process in that agency's implementing regulations. These UMTA implementing rules include a section on exceptions and limitations which identify categories of deviations from the normal A-95 review process. The first category excludes, in urbanized areas, any capital or operating projects not required to be included in the annual element. The second category applies to non-urbanized areas and allows projects that are of small scale and local impact to be excluded from the A-95 review process by agreement between the applicant and the appropriate clearinghouse. The third category is a request for a special exemption for experimental demonstrations under section 6 of the Urban Mass Transportation Act of 1964, as amended. This exemption would include experimental studies or operational tests of techniques or concepts that are as yet unproven, i.e., auto-free zones, and which require further study or demonstration to determine if they should be encouraged on a national scale. Notice is given, however, that this exception is subject to approval by the Office of Management and Budget.

Interested parties and government agencies are encouraged to submit written comments, views, or data concerning these regulations which are promulgated as interim regulations. Comments should be submitted to the Urban Mass Transportation Administration, Docket Clerk, Office of the Chief Counsel, 400 Seventh Street, SW., Room 9320, Washington, D.C. 20590. Docket No. 76-01. All submissions received on or before March 29, 1976 will be considered prior to promulgation of final regulations. Copies of all written communications received will be available for examination during normal business hours at the foregoing address.

These interim UMTA regulations are substantially the same as the FHWA interim regulations on A-95 procedures published by FHWA on November 19, 1975 (40 FR 53726). It is our intention that joint FHWA/UMTA final regulations on A-95 procedures will be published by April 29, 1976 based on the comments received on both the FHWA and UMTA interim regulations.

These amendments to Title 49, Code of Federal Regulations, are proposed under the authority of OMB Circular No. A-95, 42 U.S.C. 334 (section 204 of Pub. L. 89-754, the Demonstration Cities and Metro-

politan Development Act of 1966), 42 U.S.C. 4233 (Title IV of Pub. L. 90-577, the Intergovernmental Cooperation Act of 1968), 42 U.S.C. 4332 (section 102(2) (c) of the National Environmental Policy Act of 1969), Title VI of the Civil Rights Act of 1964, 23 U.S.C. 104(f) (3), 105, 134, the Urban Mass Transportation Act of 1964, as amended, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.51(f). Accordingly, Chapter 6 of Title 49 of the Code of Federal Regulations is hereby amended by adding a new Subpart C to Part 613 as set forth below.

Effective date. Pursuant to Office of Management and Budget Circular A-95, as published in the January 13, 1976 edition of the *FEDERAL REGISTER*, (41 FR 2052), these interim regulations are effective on March 10, 1976.

ROBERT E. PATRICELLI,
Urban Mass Transportation
Administrator.

Subpart C—Coordination of Federal and Federally Assisted Programs and Projects

Sec.	
613.300	Purpose.
613.302	Definitions.
613.304	Applicability.
613.306	Project Notification and Review Systems.
613.308	Coordination of Planning in Multi-jurisdictional Areas.

AUTHORITY: The Urban Mass Transportation Act of 1964, as amended; 23 U.S.C. 104 (f) (3), 105, 134; 42 U.S.C. 334, 4233, and 4332; OMB Circular A-95; Title VI of the Civil Rights Act of 1964 (78 Stat. 241); and 49 CFR 1.51(f).

Subpart C—Coordination of Federal and Federally Assisted Programs and Projects

§ 613.300 Purpose.

The purpose of this subpart is to implement the regulations in Office of Management and Budget (OMB) Circular A-95 which furnishes guidance to Federal agencies for cooperation with State and local governments in the evaluation, review, and coordination of Federal assistance programs and projects.

§ 613.302 Definitions.

(a) The terms used in the subpart are as defined in OMB Circular No. A-95 (revised), section 161(a) of Title 23, U.S.C., and the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1501 et seq.) except as otherwise provided.

(b) As used herein:

"Transportation Improvement Program (TIP)" means, in urbanized areas, a staged multiyear program of transportation improvements including an annual element prepared pursuant to 23 CFR Part 450 and this Part 613.

"Annual Element" means a list of transportation improvement projects proposed for implementation during the first program year.

"Applicant" means any local or State agency which applies for Federal transportation assistance, including but not limited to cities, Councils of Governments, Metropolitan Planning Organizations, transit operators, designated re-

ciipients and State transportation agencies.

"Metropolitan Planning Organization (MPO)" means that organization designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as required by 23 U.S.C. 104(f)(3) and capable of meeting the requirements of section 3(a)(2) and (e)(1), 4(a), and 5(g)(1) and (i) of the UMT Act (49 U.S.C. 1602(a)(2) and (e)(1), 1603(a), and 1604(g)(1) and (i)). This organization is the forum for cooperative decisionmaking by principle elected officials of general purpose local government.

"Unified Planning Work Program (UWP)" means the planning work program required by 23 CFR Part 450, Subpart A, and this Part 613.

§ 613.304 Applicability.

This subpart is applicable to all projects and activities (or significant changes thereto) except as set forth in paragraph (a)(2) of § 613.306 for which UMTA assistance is sought under the following categories in the Catalogue of Federal Domestic Assistance:

- (a) Urban Mass Transportation Capital Improvement Grants under section 3 of the UMT Act (Catalogue No. 20.500)
- (b) Urban Mass Transportation Capital Improvement Loans under section 3 of the UMT Act (Catalogue No. 20.501)
- (c) Urban Mass Transportation Technical Studies Grants under section 9 of the UMT Act (Catalogue No. 20.505)
- (d) Urban Mass Transportation Demonstration Grants under section 6 of the UMT Act (Catalogue No. 20.506)
- (e) Urban Mass Transportation Capital and Operating Assistance Formula Grants under section 5 of the UMT Act (Catalogue No. 20.507)

§ 613.306 Project Notification and Review System.

(a) *Notification*—(1) *General*. In the case of applications for projects involving land or water use and development or construction in the National Capital Region (as defined in section 1(b) of the National Capital Act of 1952, as amended), a copy of the application shall be sent to the National Capital Planning Commission (NCPC) in addition to the areawide clearinghouse and appropriate State clearinghouse. Notification should include a summary description of the projects containing the information required by Attachment A, Part I, Paragraph 2(a) of OMB Circular A-95.

(2) *Exceptions and limitations*. (i) In urbanized areas, capital and operating projects not required to be included in the annual element of the TIP or amendments thereto are exempt from the requirements of this section.

(ii) In non-urbanized areas, other projects of small scale and local impact may be exempt from the requirements of this section by agreement between the applicant and the appropriate State clearinghouse, areawide clearinghouse, or both.

(iii) Experimental studies or operational tests of techniques or concepts

that are as yet unproven and which require further study or demonstration to determine if they should be encouraged on a national scale, undertaken under a section 6 Demonstration Grant, are exempt from the requirements of this section. Operational test is defined as a controlled, non-fixed facility type project of limited duration, impacting on a small, carefully defined area of the community.

(3) *Capital and operating assistance projects*—(i) *Projects in urbanized areas*. The TIP and its annual element or amendments thereto shall be furnished by the MPO to the State clearinghouse for review and comment. Where the MPO is not the areawide clearinghouse, the annual element shall also be furnished to the appropriate areawide clearinghouse for review and comment. Where the MPO is the areawide clearinghouse, endorsement of the TIP will meet the areawide clearinghouse review requirements of OMB Circular A-95 for each project in the annual element. Transmittal of the TIP or its annual element to the State and areawide clearinghouse(s) shall serve as notification for projects contained therein.

(ii) *All other projects*. Applicants for UMTA assistance shall furnish proposed transit projects to appropriate State and areawide clearinghouse(s) for review and comment at the earliest feasible time.

(4) *Planning projects*—(i) *Projects in urbanized areas*. The UWP shall be furnished by the MPO to the State clearinghouse for review and comment. Where the MPO is not the areawide clearinghouse, the UWP shall also be furnished to the appropriate areawide clearinghouse. Where the MPO is the areawide clearinghouse, transmittal of the UWP to the Intermodal Planning Groups will meet the areawide clearinghouse review requirements of OMB Circular A-95. Transmittal of the UWP to the State and areawide clearinghouse(s) shall serve as the notification for projects contained therein.

(ii) *Projects in all other areas*. Applicants for UMTA planning assistance shall furnish applications for assistance to appropriate State and areawide clearinghouse(s) at the earliest feasible time.

(5) *Other projects*. Applicants for UMTA Demonstration assistance except as set forth in § 613.306(a)(2)(iii) shall submit applications for assistance to appropriate State and areawide clearinghouse(s) at the earliest feasible time.

(b) *Consultation and review*. State and areawide clearinghouses and applicants shall develop mutually acceptable procedures for handling program consultation and review. Clearinghouses may have a period of 30 days to review programs of projects or applications submitted to it. Clearinghouses may establish cooperative procedures with applicants for further review of projects at subsequent stages of development or at specified periods of time. In such event the clearinghouses may have an additional 30 days for this review.

(c) *Project approval*. (1) Except as provided in paragraph (c)(2) of this section, the Urban Mass Transportation Ad-

ministrator will not approve any project application for funding unless the applicant has included with the completed application the following:

(i) Standard Form 424, Federal Assistance.

(ii) Any comments or recommendations made by or through clearinghouses, along with a statement that such comments have been considered prior to the submission of the program or project; or a statement that the procedures outlined in this subpart have been followed and that no comments or recommendations have been received.

(iii) Comments on the environmental impact of a project where UMTA has advised the applicant that environmental information is required.

(iv) Any comments from public agencies charged with enforcing or furthering the objectives of State and local civil rights laws, regarding the civil rights aspects of the proposed project.

(2) The Urban Mass Transportation Administrator may also approve a project application for a project that was included in either the annual element of a TIP or a UWP: *Provided*, That an A-95 review of the program in which the project is included was conducted and the documentation required under paragraph (c)(1) of this section is submitted with the application.

(3) *Federal Agency Procedures*.

(i) Any application that does not carry evidence that both areawide and State clearinghouse(s) have been given an opportunity to review the application, will be returned to the applicant by UMTA with instructions to fulfill the requirements of this part.

(ii) Within seven working days of any major action taken on an application, UMTA will notify any clearinghouse(s) that has reviewed such application. Major action includes award, rejection, return for amendment, deferral or withdrawal. In urbanized areas, where the clearinghouse(s) review was on an annual element of a TIP, the major Federal action will occur at the project approval stage for each individual section 3 and 5 project included in the annual element. Where a clearinghouse has recommended against approval or for approval only with specific and major substantive changes, and UMTA approves the application substantially as submitted, reasons for approval shall be documented in the clearinghouse(s) notification. Standard Form 424, Federal Assistance, is to be used for this notification.

(iii) Applications not submitted to or acted on by the Federal agency within one year after completion of clearinghouse review will be subject to re-review upon request of the clearinghouse.

§ 613.308 Coordination of planning in multijurisdictional areas.

(a) *Common or Consistent Planning and Development Districts or Regions*.

(1) Agencies not falling within the jurisdiction of the MPO, desiring approval for the designation or redesignation of a multijurisdictional transportation planning area shall furnish maps and bound-

ary descriptions to the Governor of the State for review and comment with respect to their relationship to other planning and development districts or regions established by the State. The Governor will have up to thirty days for this review. Proposed boundaries or transportation planning areas should conform to existing planning and development districts unless there is justification for not doing so.

(2) Where the State has not established planning and development districts or regions which provide a basis for evaluation of the boundaries of the area proposed for designation, major units of local government and the appropriate Federal Regional Council in such areas will also be consulted to assure consistency with districts established un-

der inter-local agreement and under related Federal programs.

(3) UMTA will notify the appropriate Federal Regional Council, through the Secretarial Representative, of any proposed designation as well as any final designation of such planning area.

(b) *Common and consistent planning bases and coordination of related activities in multijurisdictional areas.* (1) In urbanized areas, when the MPO is different from the A-95 agency, there shall be an agreement between the two organizations which prescribes the means by which their activities will be coordinated as required by 23 CFR 450.108(b) and § 613.100.

(2) In non-urbanized areas, if an applicant for areawide multijurisdictional planning assistance is other than the areawide comprehensive planning

agency, it shall submit a memorandum of agreement between the applicant and such areawide comprehensive planning agency covering the means by which their planning activities will be coordinated. The agreement must include but need not be limited to the matters identified in Appendix A, Part IV, Paragraph 3 a to d of OMB Circular A-95. Where an applicant has been unable to effectuate such an agreement, it shall submit a statement indicating the efforts it has made to secure agreement. In such case, UMTA in consultation with the Federal Regional Council and the state clearinghouse, will attempt within a 30 day period after receipt of the application, a resolution of the issues before approving the application, if it is otherwise in good order.

[FR Doc.76-6680 Filed 3-9-76;8:45 am]

Title 23—Highways
CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 450—PLANNING ASSISTANCE AND STANDARDS

Urban Transportation Planning

The purpose of this document is to issue final regulations implementing certain provisions of title 23, U.S.C., and the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1601, et seq. (UMT Act), governing urban transportation planning under the Federal Highway Administration and the Urban Mass Transportation Administration programs.

In the November 8, 1974, edition of the *FEDERAL REGISTER* (39 FR 39660), the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) published a notice of proposed rulemaking (the "notice") to add a new Part 450, Subpart A, to 23 CFR, Chapter I, and a new Part 613, Subpart B, to 49 CFR, Chapter VI.

The public was invited to participate in this rulemaking through submission of written comments. Over 120 interested groups and individuals provided comments, including the House Committee on Public Works and Transportation, the Senate Committee on Public Works, the American Public Transit Association, the American Association of State Highway and Transportation Officials, State departments of transportation, cities, and a number of metropolitan planning organizations. In arriving at the final regulations set forth below, FHWA and UMTA have given consideration to all comments received in response to the notice of proposed rulemaking insofar as they related to matters within the scope of that notice. Review of the comments received indicated the desirability of making changes in the regulations as originally proposed. In view of the interest expressed in these regulations, except for editorial revisions, those sections of these final regulations which have been revised or were the subject of major interest are discussed in this commentary.

Since the publication of the notice of these proposed rules, Congress has enacted the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503, 88 Stat. 1565), which amended the UMT Act to add among other matters a new formula grant program under which both capital and operating assistance may be provided, and to make the "3-C" planning process described in 23 U.S.C. 134 applicable to all UMTA-assisted capital and operating projects. While the enactment of Pub. L. 93-503 did require some modification of these regulations, these changes were essentially technical in nature, and, where made, do not represent any overall substantive change except for the addition of the Transportation Systems Management (TSM) element (discussed *infra*).

In response to the notice, some concern was expressed that the role of the

Metropolitan Planning Organization (MPO) in the planning and programming process tended to impinge on State and local authority. It was intended that the MPO provide a forum for cooperative decisionmaking by principal elected officials of general purpose local government; accordingly, the definition of the MPO has been modified to clarify this intent. It is not intended to preclude the State and publicly owned operators from acting through this forum.

A few comments addressed the Governor's designation of these organizations. The Department recognizes that institutional arrangements are at different stages of evolution in the various urbanized areas; accordingly, considerable flexibility will be afforded by FHWA and UMTA in the administration of § 450.106. We note in this connection that while it is encouraged, nothing in the regulations requires that the MPO and the A-95 agency be the same. Further, designations made under § 450.106 may be changed when appropriate, consistent with the provisions of that section.

A number of comments on the geographic scope of the urban transportation planning process indicated concern that the regulation could be interpreted to encourage coverage of rural areas. The intent is that the planning process extend to urban and urbanizing areas; consistent with that intent, the regulation has been revised to allow each urbanized area maximum flexibility in determining the geographic scope of the urban transportation planning process.

Several comments were directed to the failure of § 450.112 to reflect the tripartite nature of the planning process, i.e., the involvement in the process of State government, local government, and publicly owned operators of mass transportation services as specified in the section on "Agreements." For this reason, § 450.112 has been revised to stipulate that the MPO, in cooperation with the State and with publicly owned operators of mass transportation services, is responsible for carrying out the urban transportation planning process.

Section 450.116 has been revised to provide greater detail regarding the components of the transportation plan. The transportation plan includes the TSM and the long-range elements. The TSM element was initially referenced in § 450.120 of the proposed regulation. It is designed to meet the short-range transportation needs of urban areas through efficient use of existing facilities. A joint issuance appended to these regulations provides additional advisory information on the scope and objectives of the TSM element.

Notice is given that the inclusion in the Transportation Improvement Program (TIP) of projects recommended from the TSM element will be a condition of UMTA program approvals. The TSM element and the programming for its implementation in the TIP supports the requirement to improve the efficiency of mass transportation service pursuant to section 5(d)(2) of the UMT Act (49 U.S.C. 1604(d)(2)) and is deemed to be

the program of actions referred to in the expression of intent described in Section F of the Capital and Operating Assistance Formula Grants and the Interim Guidelines and Procedures (40 FR 2534, January 13, 1975).

The target date envisioned for the development of the TSM element and the programming for its implementation is March 30, 1978.

Section 450.120 of the regulation has been reorganized to group the general planning activities, first, and the activities of a technical nature, second. In response to comments and to statutory requirements, planning process elements were added to cover energy conservation, consideration of existing private mass transportation services, coordination with air quality planning and with planning for the transportation needs of the elderly and handicapped.

A number of comments addressed the criteria for Federal determinations under the "Certification" section. In response, § 450.122 has been simplified to indicate that certification will be based on compliance with the requirements in this subpart and that the determination will be made by UMTA and FHWA acting jointly. The certification determination is a Federal evaluation of the planning process.

A further clarification in § 450.122 pertaining to the use of certification. The Department intends that a negative finding be a deliberate determination and not the result of an administrative oversight. Accordingly, the planning certification will remain in effect until a new determination is made.

These regulations unify the individual planning requirements of FHWA and UMTA and supersede the following operating procedures: FHWA Policy and Procedure Memorandums 50-9 and 50-11, Instructional Memorandums 50-3-71 and 50-4-68; Sections D and F of the Capital and Operating Assistance Formula Grants; Interim Guidelines and Procedures (40 FR 2534, January 13, 1975); and the Urban Mass Transportation Planning Requirements Guide as contained in Appendix 2 of the UMTA External Operating Manual (UMTA Order 1000.2, dated August 22, 1972).

In consideration of the foregoing, and under the authority of 23 U.S.C. 104(f)(3), 134, and 315, and sections 3, 4(a), and 5 of the UMT Act (49 U.S.C. 1602, 1603(a), and 1604), and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b) and 1.50(f), Chapter I of title 23 and Chapter VI of title 49 of the Code of Federal Regulations are hereby amended by adding a new Part 450, Subpart A as set forth below.

Effective date: These regulations take effect on October 17, 1975.

Issued on: September 11, 1975.

L. P. LAMM,
Executive Director,
Federal Highway Administration.

ROBERT E. PATRICELLI,
Urban Mass Transportation
Administrator.

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Subpart A of Part 450 is added as set forth below:

Subpart A—Urban Transportation Planning

Sec.		
450.100	Purpose.	
450.102	Applicability.	
450.104	Definitions.	
450.106	Metropolitan Planning Organization: designation.	Organization:
450.108	Metropolitan Planning Organization: agreements.	Organization:
450.110	Metropolitan Planning Organization: geographic scope.	Organization:
450.112	Metropolitan Planning Organization: responsibilities.	Organization:
450.114	Urban transportation planning process: planning work programs.	
450.116	Urban transportation planning process: transportation plan.	
450.118	Urban transportation planning process: transportation improvement program.	
450.120	Urban transportation planning process: elements.	
450.122	Urban transportation planning process: certification.	

Appendix: Advisory Information on Development of Transportation Systems Management Elements.

AUTHORITY: 23 U.S.C. 104(f)(3), 134, and 151; Sections 3, 4(a), and 5 of the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1602, 1603(a), and 1604); and 49 CFR 1.48(b) and 1.50(f).

Subpart A—Urban Transportation Planning

§ 450.100 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 134, and Sections 3(a)(2), 4(a), 5(g)(1), and 5(l) of the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1602(a)(2), 1603(a), and 1604(g)(1) and (l)), which require that each urbanized area, as a condition to the receipt of Federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urbanized area.

§ 450.102 Applicability.

The provisions of this subpart are applicable to the transportation planning process in urbanized areas. Certification under this subpart shall be a prerequisite for program approvals in urbanized areas pursuant to 23 U.S.C. 105(d) and 134(a), section 5(g) of the UMT Act (49 U.S.C. 1604(g)), and Subpart C of this part.

§ 450.104 Definitions.

(a) Except as otherwise provided, terms defined in 23 U.S.C. 101(a) are used in this subpart as so defined.

(b) As used in this subpart:

"Governor" means the Governor of any one of the fifty States, and includes the Mayor of the District of Columbia.

"Metropolitan Planning Organization (MPO)" means that organization designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as provided in 23 U.S.C. 104(f)(3), and capable of meeting the requirements of sections 3(a)(2) and (e)(1), 4(a), and 5(g)(1) and (l) of the UMT Act (49

U.S.C. 1602(a)(2) and (e)(1), 1603(a), and 1604(g)(1) and (l)). This organization is the forum for cooperative decisionmaking by principal elected officials of general purpose local government.

§ 450.106 Metropolitan Planning Organization: designations.

(a) The Governor of each State shall designate the Metropolitan Planning Organization (MPO). To the extent possible, only one MPO shall be designated for each urbanized area or group of contiguous urbanized areas.

(b) Funds authorized by 23 U.S.C. 104(f) shall be made available by the State to the MPO, as required by 23 U.S.C. 104(f)(3). To the extent possible, the MPO shall be eligible to receive planning funds authorized by section 9 of the UMT Act of 1964, as amended, (49 U.S.C. 1607a).

(c) To the extent possible, the MPO designated by the Governor shall be established under specific State legislation, State enabling legislation, or by Interstate compact, with authority to carry out metropolitan transportation planning, and should perform the functions required by the Office of Management and Budget (OMB) Circular A-95 "Evaluation, Review, Coordination of Federal Assistance Programs and Projects" November 13, 1973, as amended.

(d) Principal elected officials of general purpose local government within the jurisdiction of the MPO shall have adequate representation on the MPO.

(e) Nothing herein shall be deemed to prohibit the MPO from utilizing, through contractual agreements, the staff resources of other local agencies to carry out selected elements of the planning process.

(f) An MPO designated under the provisions of this section shall remain designated until the Governor designates another MPO under the provisions of this section.

§ 450.108 Metropolitan Planning Organization: agreements.

(a) The responsibilities for cooperatively carrying out transportation planning and programing shall be clearly identified in an agreement or memorandum of understanding between the State and the MPO.

(b) Where the MPO is different from the A-95 agency, there shall be an agreement between the two organizations which prescribes the means by which their activities will be coordinated, as required by Part IV of OMB Circular A-95. This agreement shall specify how transportation planning and programing will be part of the comprehensively planned development of the urbanized area.

(c) There shall be an agreement between the MPO and publicly owned operators of mass transportation services which specifies cooperative procedures for carrying out transportation planning and programing as required by this subpart.

(d) To the extent possible, there shall be one cooperative agreement contain-

ing the understandings required by this section among the State, MPO, publicly owned operators of mass transportation services and, where necessary, the A-95 agency.

§ 450.110 Metropolitan Planning Organization: geographic scope.

The transportation planning process shall, as a minimum, cover the urbanized area and the area likely to be urbanized in the period covered by the long-range element of the transportation plan described in § 450.116 of this subpart.

§ 450.112 Metropolitan Planning Organization: responsibilities.

(a) The MPO in cooperation with the State, and in cooperation with publicly owned operators of mass transportation services, shall be responsible for carrying out the urban transportation planning process specified in § 450.120 and shall develop the planning work programs, transportation plan, and transportation improvement program specified in §§ 450.114 through 450.118 of this subpart. The MPO shall be the forum for cooperative decisionmaking by principal elected officials of general purpose local government.

(b) The MPO shall annually endorse the plans and programs required by §§ 450.114 through 450.118 of this subpart.

§ 450.114 Urban transportation planning process: planning work programs.

(a) The urban transportation planning process shall include the development of a prospectus and a unified planning work program.

(b) The prospectus shall establish a multiyear framework within which the unified planning work program is accomplished and shall include:

(1) A summary of the planning program including discussion of the important transportation issues facing the area;

(2) A general description of the status and anticipated accomplishments of each of the elements specified in § 450.120 of this subpart;

(3) A description of the procedures to be used in carrying out each element specified in § 450.120 of this subpart;

(4) A description of the functional responsibilities of each participating agency; and

(5) Copies of agreements specified in § 450.108 of this subpart.

(c) The unified planning work program shall: (1) Annually describe all urban transportation and transportation-related planning activities anticipated within the area during the next 1- or 2-year period regardless of funding sources; and (2) Document work to be performed with planning assistance provided under section 9 of the UMT Act (49 U.S.C. 1607a) and 23 U.S.C. 104(f) and 307(c).

(d) The prospectus and the unified planning work program may be combined in a single document. Arrange-

ments may be made to further combine these documents with work program requirements of other Federal sources of physical planning funds (e.g., Department of Housing and Urban Development, Environmental Protection Agency, and Department of the Interior).

§ 450.116 Urban transportation planning process: transportation plan.

(a) The urban transportation planning process shall include the development of a transportation plan consisting of a transportation systems management element and a long-range element. The transportation plan shall be reviewed annually to confirm its validity and its consistency with current transportation and land use conditions.

(b) The transportation systems management element of the transportation plan shall:

(1) Provide for the short-range transportation needs of the urbanized area by making efficient use of existing transportation resources and providing for the movement of people in an efficient manner; and

(2) Identify traffic engineering, public transportation, regulatory, pricing, management, operational and other improvements to the existing urban transportation system not including new transportation facilities or major changes in existing facilities.

(c) The long-range element of the transportation plan shall:

(1) Provide for the long-range transportation needs of the urbanized area; and

(2) Identify new transportation policies and transportation facilities or major changes in existing facilities by location and modes to be implemented.

(d) The transportation plan shall be consistent with the area's comprehensive long-range land use plan, urban development objectives, and the area's overall social, economic, environmental, system performance and energy conservation goals and objectives.

§ 450.118 Urban transportation planning process: transportation improvement program.

(a) The urban transportation planning process shall include development of a transportation improvement program including an annual element as prescribed in Subpart C of this part.

(b) The program shall be a staged multiyear program of transportation improvement projects consistent with the transportation plan developed under § 450.116 of this subpart.

§ 450.120 Urban transportation planning process: elements.

(a) The urban transportation planning process shall:

(1) Provide for the consideration of social, economic, and environmental effects, in support of the requirements of 23 U.S.C. 109(h), and sections 5(h)(2) and 14 of the UMT Act (49 U.S.C. 1604(h)(2) and 1610);

(2) Be coordinated with air quality planning conducted pursuant to 42 U.S.C. 1857 (Clean Air Act);

(3) Include provisions to ensure involvement of the public;

(4) Be consistent with Title VI of the Civil Rights Act of 1964 and the Title VI assurance executed by each State under 23 U.S.C. 324 and 29 U.S.C. 794, which ensure that no person shall on the grounds of race, color, sex, national origin, or physical handicap be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program receiving Federal assistance from the Department of Transportation;

(5) Include special efforts to plan public mass transportation facilities and services that can effectively be utilized by elderly and handicapped persons pursuant to section 16 of the UMT Act (49 U.S.C. 1612) and section 165(b) of the Federal-Aid Highway Act of 1973, as amended;

(6) Provide for the consideration of energy conservation;

(7) Include consideration of existing private mass transportation services; and

(8) Include the following technical activities to the degree appropriate for the size of the metropolitan area and the complexity of its transportation problems:

(i) An analysis of existing conditions of travel, transportation facilities, and systems management;

(ii) An evaluation of alternative transportation systems management improvements to make more efficient use of existing transportation resources and the development of the transportation systems management element of the transportation plan.

(iii) Projections of urban area economic, demographic, and land use activities consistent with urban development goals and the development of potential transportation demands based on these levels of activity;

(iv) Analysis of alternative transportation investments to meet areawide needs for new transportation facilities and the development of the long-range element of the transportation plan;

(v) Refinement of the transportation plan through the conduct of corridor, transit technology, and staging studies; and subarea, feasibility, location, legislative, fiscal, functional classification, and institutional studies;

(vi) Monitoring and reporting of urban development and transportation indicators and a regular program of reappraisal of the transportation plan; and

(vii) Implementation programming which merges the results of plan refinement of the long-range element and the improvements recommended in the transportation systems management element of the transportation plan to produce a transportation improvement program as specified in Subpart C of this part.

(b) The urban transportation planning process shall include preparation of technical reports to assure documentation of the development, refinement, and reappraisal of the transportation plan.

§ 450.122 Urban transportation planning process: certification.

(a) The Federal Highway and Urban Mass Transportation Administrators jointly will review and evaluate annually the transportation planning process in each urbanized area to determine if the process meets the requirements of this subpart.

(b) If, upon the review and evaluation conducted under paragraph (a) of this section, the Administrators jointly determine that the transportation planning process in an urbanized area meets or substantially meets the requirements of this subpart, they may take one of the following actions, as appropriate:

(1) Certify the transportation planning process; or

(2) Certify the transportation planning process subject to one of the following conditions:

(i) That certain specified corrective actions be taken; or

(ii) That the process is a basis for approval of only those categories of programs or projects that the Administrators may jointly determine and that certain specified corrective actions be taken.

(c) The State and the MPO shall be notified of the actions taken under paragraph (b) of this section.

(d) A certification under paragraph (b) of this section will remain in effect until a new certification determination is made.

APPENDIX

ADVISORY INFORMATION ON DEVELOPMENT OF TRANSPORTATION SYSTEMS MANAGEMENT ELEMENTS UNDER UMTA AND FHWA JOINT REGULATIONS, 23 CFR PART 450, SUBPARTS A AND C, AND 49 CFR PART 613, SUBPARTS A AND B

1. Purpose. The preamble to the National Mass Transportation Assistance Act of 1974 states that efficient, economical and convenient mass transportation is a vital public service essential to the health and welfare of urban areas. The resources provided by the Act are intended to assist communities in preserving and revitalizing their mass transit systems. An essential part of this goal is to improve the efficiency of transit service—not only to achieve greater economies of operation, but also to help contribute to the wider national objectives of energy conservation, improved air quality, and increased social and environmental amenity. The 1974 Act provides additional resources to enable localities to improve the efficiency of transit operations.

Similarly, Section 135 of title 23 declares it to be in the national interest that there should be a continuing program within urban areas "designed to reduce traffic congestion and to facilitate the flow of traffic." Improvements which "directly facilitate and control traffic flow" are made eligible projects for Urban Extension and Urban System funds.

Pursuant to the planning requirements established for urbanized areas in title 23 and the Urban Mass Transportation Act of 1964, as amended, UMTA and FHWA have jointly issued regulations (23 CFR Part 450 and 49 CFR Part 613) that require the urban transportation planning process to develop (1) a Plan containing a Transportation System Management (TSM) element, and (2) a Transportation Improvement Program (TIP) for each urbanized area.

The purposes of these supplementary guidelines is to jointly provide additional definitions and explanation of the intent and scope of the Transportation Systems Management requirements specified in the joint

planning regulations. Each Administration (i.e., UMTA and FHWA) will be using its own regulations or policy mechanisms to specify further conditions in order to meet their requirements for approval of programs or projects under their jurisdiction.

2. *Introduction.* Automobiles, public transit, taxis, pedestrians, and bicycles should be considered as elements of one single urban transportation system. The objective of urban transportation system management is to coordinate these individual elements through operating, regulatory and service policies so as to achieve maximum efficiency and productivity for the system as a whole.

Controlling the flow of traffic, influencing the volume, pattern and mix of traffic, and giving priority to buses and other high-occupancy vehicles may be the single most effective set of measures to improve the efficiency and productivity of both mass transportation service and the entire urban transportation system. However, other actions can also be effective. Mass transit efficiency can be increased through internal management actions, such as more flexible routing, dispatching and scheduling of transit vehicles. Urban transportation system efficiency can be increased by the provision of para-transit services, incentives for carpools, and greater off-peak use of transportation facilities. Conflicts between pedestrians and vehicles can be reduced by developing explicit and coordinated policy to balance competing claims on street space. Economic or other disincentives can be introduced to discourage low-occupancy auto use, reduce traffic in congested areas, and persuade commuters to shift to mass transit; the quality of public transit service can be improved to compensate for any reductions in auto accessibility.

3. *Planning requirement.* The UMTA and FHWA do not intend to prescribe efficiency standards or the particular measures that an urbanized area must adopt to meet the requirement to develop a Transportation Systems Management element. Formulation of an overall policy strategy, assessment of candidate measures, and selection, programming and implementation of actions are clearly a local responsibility to be carried out as part of continuing transportation planning and implementation process. In accordance with the joint regulations, the Metropolitan Planning Organization (MPO) in each urbanized area in cooperation with the State and in cooperation with publicly-owned operators of mass transportation services is responsible for the development and periodic updating of the Transportation Systems Management element.

The plan should set forth the underlying goals and policy objectives and the strategy selected to accomplish them. Since the plan will have official status as a product of the areawide planning process, once it is endorsed by the MPO, it should represent agreement on the part of those agencies identified as responsible for carrying out each action. The programming for implementation of Transportation Systems Management projects in the annual element of the Transportation Improvement Program represents a commitment for carrying out each action.

4. *Actions to be considered.* The following major categories of action should be considered for inclusion in the Transportation Systems Management element. While the feasibility of and need for individual actions may differ with the size of an urbanized area or the extent of its congestion, all categories of actions should be considered. It is expected that some actions in each category will be appropriate for any urbanized area.

a. *Actions to ensure the efficient use of existing road space through:*

(1) Traffic operations improvements to manage and control the flow of motor vehicles, such as:

- Channelization of traffic
- One-way streets
- Better signalization and progressive timing of traffic signals
- Computerized traffic control
- Metering access to freeways
- Reversible traffic lanes
- Other traffic engineering improvements

(2) Preferential treatment for transit and other high-occupancy vehicles, such as:

- Reserved or preferential lanes on freeways and city streets
- Exclusive lanes to bypass congested points
- Exclusive lanes at toll plazas with provision for no-stop toll collection
- Conversion of selected downtown streets to exclusive bus use
- Exclusive access ramps to freeways
- Bus preemption of traffic signals
- Strict enforcement of reserved transit rights-of-way
- Special turning lanes or exemption of buses from turning restrictions

(3) Appropriate provision for pedestrians and bicycles, such as:

- Bicycle paths and exclusive lanes
- Pedestrian malls and other means of separating pedestrian and vehicular traffic
- Secure and convenient storage areas for bicycles
- Other bicycle facilitation measures

(4) Management and control of parking through:

- Elimination of on-street parking, especially during peak periods
- Regulation of the number and price of public and private parking spaces
- Favoring parking by short-term users over all-day commuters
- Provision of fringe and transportation corridor parking to facilitate transfer to transit and other high-occupancy vehicles
- Strict enforcement of parking restrictions

(5) Changes in work schedules, fare structure and automobile tolls to reduce peak-period travel and to encourage off-peak use of transportation facilities and transit services, such as:

- Staggered work hours
- Flexible work hours
- Reduced transit fares for off-peak transit users
- Increased peak-hour commuter tolls on bridges and access routes to the city

b. *Actions to reduce vehicle use in congested areas through:*

- Encouragement of carpooling and other forms of ride sharing
- Diversion, exclusion and metering of automobile access to specific areas
- Area licenses, parking surcharges and other forms of congestion pricing
- Establishment of car-free zones and closure of selected streets to vehicular traffic or to through traffic
- Restrictions on downtown truck delivery during peak hours

c. *Actions to improve transit service, through:*

- Provision of better collection, distribution and internal circulation services (including route-deviation and demand-responsive services) within low-density areas
- Greater flexibility and responsiveness in routing, scheduling and dispatching of transit vehicles
- Provision of express bus services in coordination with local collection and distribution services
- Provision of extensive park-and-ride services from fringe and transportation corridor parking areas

Provision of shuttle transit services from CBD fringe parking areas to downtown activity centers

Encouragement of jitneys and other flexible paratransit services and their integration in the metropolitan public transportation system.

Simplified fare collection systems and policies

Provision of shelters and other passenger amenities

Better passenger information systems and services

d. *Actions to increase internal transit management efficiency, such as:*

- Improve marketing
- Developing cost accounting and other management tools to improve decisionmaking
- Establishing maintenance policies that assure greater equipment reliability
- Using surveillance and communications technology to develop real time monitoring and control capability

5. *Planning assistance.* Development of the program is an eligible activity for inclusion in the Unified Work Program for transportation planning in any urbanized area. It can be assisted with UMTA and FHWA planning funds. In addition, Management Improvement planning studies can be included in the Unified Work Program or funded by special UMTA grants. Some localities may wish to propose amendments to ongoing work programs in order to accelerate development of the Plan. Such requests will be given priority consideration. It is expected that there will be relatively continuous work activity relating to this requirement: some feasibility studies will take longer than others, some actions will become feasible only after others have been defined, completed actions will have to be evaluated, and the program must be periodically updated as the effects of other developments influence the feasibility of various actions.

6. *Technical Assistance.* Substantial amounts of technical material are available concerning possible strategies and the actions that should be considered for inclusion in local programs. Further research and a number of demonstrations are underway which can be expected to contribute additional data to assist in evaluating the feasibility and planning the implementation of some actions. The FHWA and UMTA intend to maintain surveillance over these developments and provide timely and useful documentation to assist localities in meeting this requirement.

7. *Implementation Assistance.* Implementation of actions in the local program may be eligible for assistance with UMTA Sections 3 and 5 funds and Federal-aid highway funds (Urban Systems, Urban Extension, Primary and Interstate).

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PART 450—PLANNING ASSISTANCE AND STANDARDS

Transportation Improvement Program

The purpose of this document is to issue final regulations which implement certain provisions of title 23, U.S.C., and the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1601, et seq. (UMT Act), governing the planning and programming of urban transportation improvements under the Federal Highway Administration and Urban Mass Transportation Administration programs.

In the November 8, 1974, edition of the *Federal Register* (39 FR 39665), the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) published a notice of proposed rulemaking to add a new Part 450, Subpart C, to 23 CFR Chapter I and a new Part 613, Subpart A, to 49 CFR Chapter VI.

The public was invited to participate in this rulemaking through submission of written comments. Nearly 90 interested groups and individuals provided comments including the House Committee on Public Works and Transportation, the Senate Committee on Public Works, the American Public Transit Association, the American Association of State Highway and Transportation Officials, State departments of transportation, cities, and a number of Metropolitan Planning Organizations (MPOs).

In the preparation of the final regulations as set forth below, FHWA and UMTA have given consideration to all comments received in response to the notice of proposed rulemaking insofar as they related to matters within the scope of the notice. Review of the comments received indicated the desirability of making changes in the regulations as originally proposed. Most of these changes are clarifications rather than substantive alterations. However, in view of the interest expressed in these regulations, each section of these final regulations which have been revised or which was the subject of major interest is discussed in this commentary.

As a general matter, it should be stated that the Transportation Improvement Program (TIP) must, as a minimum, encompass the urbanized area and may cover a larger area at the discretion of the State and the MPO. Where the MPO jurisdiction includes more than one urbanized area, a single TIP covering all urbanized areas included should be developed. The boundaries of urbanized areas are those established and approved pursuant to 23 U.S.C. 101(a), and the implementing regulations under 23 CFR, Part 470, Subpart B.

Since the publication of the notice of these proposed rules, Congress has enacted the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503), which amended the UMT Act, to add, among other matters, a new formula grant program under which both capital and operating assistance may be provided, and to make the "3-C" planning process described in 23 U.S.C. 134 applicable to all UMTA-assisted capital and operating projects. While the enactment of Pub. L. 93-503 did require some modification of these regulations, these changes were essentially technical in nature and, where made, do not represent any overall substantive change except for the addition of the Transportation System Management (TSM) element (discussed *infra*).

One of the most persistent issues raised in the comments was with regard to the role of the MPO in the planning process as described in these regulations. Some respondents felt that the role of

the MPO in the development of the TIP tended to impinge on State and local authority as mandated under State and local statute. The MPO provides a forum for cooperative decisionmaking by principal elected officials of general purpose local government. This is not intended to preclude the State or publicly owned operators from acting through this forum. Accordingly, the definition of the MPO has been modified to clarify this intent.

Several respondents urged that the proposed effective date of these regulations, July 1, 1975, be delayed to allow more time for preparation of the program. We agree that such a delay is desirable; consequently, the effective date has been changed to January 1, 1976, and § 450.302 of the regulations has been changed accordingly.

A number of comments were addressed to § 450.324 (Selection of Projects for Implementation) which permits proposed Interstate System and urban extension projects for which substantial commitment of Federal funding has been made to be included in the Statewide program of projects under 23 U.S.C. 105 without having first been included in the annual element. A number of commentators apparently were of the opinion that the provision would permit such projects to be exempted from the requirements of 23 U.S.C. 134(a). This was not the intent. All projects programed for implementation in urbanized areas must be subject to the provisions of 23 U.S.C. 134 and indeed projects included in the annual element under the provisions of these regulations are presumed to have met the requirements of 23 U.S.C. 134. In order to convey properly this concept, the regulations have been revised by eliminating all references to the term "substantial commitment." Section 450.324 has been redesignated as § 450.318. In addition, the language has been revised to indicate clearly that all projects subject to these regulations and included by the State in the Statewide program of projects under 23 U.S.C. 105 should be drawn from the annual element.

A mechanism has been provided, however, for the State to request program approval for Interstate or urban extension projects for highway transportation improvements which have already received Federal approval for right-of-way acquisition or Federal approval of physical construction or implementation where right-of-way acquisition was not previously federally funded, and which have not been included in the annual element endorsed by the MPO. The regulations require the State to submit the views of the MPO and to show how the project meets the requirements of 23 U.S.C. 134. Where the issue is the substitution of a nonhighway public mass transportation project in lieu of an Interstate highway segment as permitted under 23 U.S.C. 103(e)(4), the Federal Highway Administrator will consult with the Urban Mass Transportation Administrator prior to taking any program action on the Interstate project.

The TIP required under this subpart consists of projects recommended from

the TSM element and the long-range element of the transportation plan required under Subpart A of Part 450.

Notice is given that the inclusion in the TIP of projects recommended from the TSM element is a condition of UMTA program approvals. The TSM element and the programing for its implementation in the TIP supports the requirement to improve the efficiency of mass transportation services pursuant to Section 5(d)(2) of the UMT Act (49 U.S.C. 1604(d)(2)) and is deemed to be the program of actions referred to in the expression of intent described in Section F of the Capital and Operating Assistance Formula Grants, and the Interim Guidelines and Procedures (40 FR 2534, January 13, 1975).

The target date envisioned for the development of the TSM element and the programing for its implementation is March 30, 1976.

Section 450.316(a) of the proposed regulations provided that "proposed urban system projects shall be initiated by the individual elected officials of the general purpose local government" in whose jurisdiction the project is located. Several commentators suggested that this requirement was too restrictive. We agree; accordingly, § 450.316(a) has been revised to allow project initiation by any local official of jurisdictions which have authority over highway projects and renumbered § 450.310(a). Many comments focused on the desirability of including nonfederally funded projects in the TIP. This feature is now incorporated in § 450.312(a)(2) of these regulations. To enable a comprehensive review of the projects proposed for Federal support and to evaluate properly their relative impact on the remainder of the urban transportation system, it is necessary that projects not federally aided recommended from the TSM element also be included in the program. However, FHWA and UMTA approval of such locally sponsored and funded non-Federal transportation projects is not required.

Related to the issue discussed in the preceding paragraph, several comments questioned the need to include individual projects proposed for Federal assistance which were not of regional impact in the program. We agree that such detail is not necessary. Consequently, § 450.312(c) of the final regulations has been revised to permit grouping of projects considered not to be of appropriate scale for individual inclusion in the program according to functional classification, geographic area, and work type.

Section 450.312 of the proposed regulations required the submission of documentation relating to the adequacy and reliability of the transportation planning process in the metropolitan area. As was suggested by several respondents, this material should be available as part of the ongoing process during the annual certification determination required for all urbanized areas. As such, the requirement for this material to be submitted during the development of the TIP was seen as a duplication of effort. We have, therefore, removed the planning support documentation section as it appeared in

the proposed regulations and the Urban Transportation Planning regulations have been modified to incorporate the essence of this section.

UMTA has required a Transit Development Program (TDP) as a condition of a positive planning determination for the capital assistance programs it administers. The TDP was defined as a fully documented result of an analysis of existing conditions of the public transportation system. It included the description of justified capital and operational improvements placed in priority over a 3- to 5-year period.

As a consequence of these regulations, a separate TDP submission will no longer be required. However, the development of recommended improvements which previously constituted the TDP will now be incorporated as a part of the new TSM element of the transportation plan required under 23 CFR 450, Subpart A. The priorities and implementation staging aspect of the TDP will appear in the TIP as described in these regulations. Further, it is our intention that the TSM element contain highway and public transportation improvements, effectively integrating the development of Traffic Operations Programs to Increase Capacity and Safety (TOPICS) and transit development study results through an overall systems approach to managing the urban transportation system to make efficient use of existing resources. The appendix to Part 450, Subpart A, title 23 CFR, published today in the *FEDERAL REGISTER* provides advisory information on the scope and objectives of the TSM element.

The definition of "transportation improvement projects" has been deleted from the regulation. It was provided in the proposed regulation for illustrative purposes only. Numerous comments misconstrued the definition as requiring mandatory inclusion of the projects listed therein in the TIP; this was not the intent. The projects listed were examples of the types of activities which may be included in a TIP at the discretion of the participants in the programming process. Additionally, several comments suggested that projects involving changes in levels of transit service and programs for transit route revisions are generally too detailed to be reflected in a regional program. Clearly, there is no intent to suggest that day-to-day changes in transit operations are appropriate items for inclusion in the TIP; rather, the participants should consider including only those major revisions to transit operations which effect, among other objectives, the achievement of transportation systems management goals pursuant to 23 CFR 450.116.

In general, we view transportation improvement projects as including, but not necessarily limited to: engineering related to the acquisition or construction of transportation facilities; acquisition of rights-of-way, construction, and reconstruction of highways, busways, and fixed guideways; fringe parking facilities; major street improvements; transit rolling stock acquisitions; TOPICS projects; bi-

cycle and pedestrian facilities; major revisions in levels of transit service and transit route structures; initiation of exclusive and preferential bus and carpool lanes; staggered work hours; measures to encourage carpooling; regulation of parking supply and costs; and projects to meet the special needs of the elderly and handicapped.

Section 450.312(d) of this regulation addresses the consistency of the total cost of the projects contained in the annual element with Federal funds available to the urbanized areas during that program period. For 23 U.S.C. 104(b)(3) (Urban extensions of Federal-Aid Primary and Secondary Systems) and 23 U.S.C. 104(b)(5) (Interstate System) funds, the Federal share for projects in the annual element should be a best estimate of funds expected to be available. Programs may total more or less than the estimated funds where the participants determine this is essential to effective program implementation, i.e., to account for schedule slippage and lack of precision in estimates of project costs.

The Federal share for projects in the annual element in areas of over 200,000 population and proposed for funding under 104(b)(6), (Federal-aid urban system) should approximate the amounts allocated to the urbanized area pursuant to 23 U.S.C. 150. Projects may total more or less than the allocated amount where the participants determine such action is essential to effective program implementation. In other areas the best estimate of urban system funds expected to be available should be used.

The Federal share of the projects in the annual element and proposed for funding under the UMTA formula grant program (Section 5 of the UMT Act, 49 U.S.C. 1604) shall not exceed the total Federal funds which will be available to the urbanized area during the program year. Projects may total less, but not more, than the amount available under the Section 5 program at the discretion of the participants.

The Federal share of the projects in the annual element funded under Section 3 of the UMT Act (49 U.S.C. 1602) and 23 U.S.C. 103(e)(4) (Interstate transfer) should be consistent with the estimate of funds reasonably expected to be available.

Section 450.316(b) of this regulation requires that recommended transportation systems management projects be included in the TIP. Such projects include those authorized under 23 U.S.C. 135 (TOPICS) and Section 5(d)(2) of the UMT Act (49 U.S.C. 1604(d)(2)) (improvement of efficiency of mass transit services). Pursuant to these statutes, the Department of Transportation feels that the implementation of these projects should be given priority in the development of the TIP.

Sections 450.306 and 450.312 of this subpart refer to projects recommended for implementation from the TSM element of the transportation plan. The term "transportation systems management" did not appear in the proposed urban transportation planning regula-

tion, 23 CFR, Subpart A; however, the term is incorporated into the final issuance of that regulation and will describe an element of the transportation plan resulting from the technical activity in § 450.116(b) which identifies improvements to make more efficient use of existing transportation resources (also see appendix to 23 CFR, Part 450, Subpart A).

Several comments questioned whether or not the joint approval by the Federal Highway and Urban Mass Transportation Administrators (in the proposed regulations at § 450.324(b)(1), in these final regulations at § 450.320(a)(1)) approval of Federal-aid urban system projects selected for implementation is consistent with the provisions of Title 23, U.S.C. to the extent that the approval involves the Urban Mass Transportation Administrator. Section 121 of the Federal-Aid Highway Act of 1973 (Pub. L. 93-87) which amended section 142 of Title 23, U.S.C., authorized the Secretary of Transportation to approve in addition to traditional urban system highway projects, certain nonhighway public mass transportation activities as projects on the Federal-aid urban system. These nonhighway public mass transportation projects contemplate such activities as the purchase of buses and the construction, reconstruction, and improvement of fixed rail facilities for urban areas—activities traditionally administered by the Urban Mass Transportation Administration. In consideration of the need of a comprehensive, coordinated and multimodal approach to the transportation problems of the urban areas (a need recognized in the basic legislation of both the Federal Highway and Urban Mass Transportation Administrations), and given the fact that projects under 23 U.S.C. 142, whether for highway or nonhighway public mass transportation projects, complement projects and activities carried out under the Urban Mass Transportation Act of 1964, as amended, the proposed regulation provided for joint approval of the Federal-aid urban system program.

To facilitate administration of the program § 450.320 of the regulation provides that the Federal-aid highway projects in the urban system portion of the Statewide program of projects (required under 23 U.S.C. 105) will be approved by the Federal Highway Administrator, while the nonhighway public mass transportation projects included in the program of projects will be approved by the Urban Mass Transportation Administrator.

Additionally, the Department has a decided interest that the flexibility in the use of Federal-aid urban system funds be exercised to the fullest, i.e., that local decisions as to the use of those funds for either highway or nonhighway public mass transportation projects be protected and fostered. Consequently, § 450.318 provides that in any case where the statewide program of projects submitted pursuant to 23 U.S.C. 105 does not contain Federal-aid urban system nonhighway public transportation projects that were selected for implementation and in-

cluded in the annual element of the TIP through the local decisionmaking process. The statement describing the reasons for the noninclusion of those projects shall accompany the statewide program of projects. In such instances, all elements in the program of projects related to the Federal-aid urban system will be jointly reviewed and approved by the Federal Highway and Urban Mass Transportation Administrators.

Section 450.3 clarifies the consequences of program approval with regard to statutory requirements.

In consideration of the foregoing, and under the authority of 23 U.S.C. 105, 134(a), and 135(b), and sections 3, 4(a), and 5 of the UMT Act (49 U.S.C. 1602, 1603(a), 1604), and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b) and 1.50(f), Chapter I of Title 23 of the Code of Federal Regulations is amended by adding a new Part 450, Subpart C.

Effective date: These regulations take effect on October 17, 1975.

Issued on: September 11, 1975.

L. P. LAMM,
Executive Director,
Federal Highway Administration.

ROBERT E. PATRICKELI,
Urban Mass Transportation
Administrator.

Subpart C of Part 450 is added to read as follows:

Subpart C—Transportation Improvement Program

- 450.300 Purpose.
- 450.302 Applicability.
- 450.304 Definitions.
- 450.306 Transportation Improvement Program: general.
- 450.308 Transportation Improvement Program: content.
- 450.310 Annual element: project initiation.
- 450.312 Annual element: content.
- 450.314 Annual element: modification.
- 450.316 Action required by Metropolitan Planning Organization.
- 450.318 Selection of projects for implementation.
- 450.320 Program approval.

AUTHORITY: 23 U.S.C. 105, 134(a), and 135(b); sections 3, 4(a), and 5 of the Urban Mass Transportation Act of 1964, as amended, (49 U.S.C. 1602, 1603(a), and 1604); and 49 CFR 1.48(b) and 1.50(f).

Subpart C—Transportation Improvement Program

§ 450.300 Purpose.

The purpose of these regulations is to establish guidelines for the development, content, and processing of a cooperatively developed transportation improvement program in urbanized areas and to prescribe guidelines for the selection by implementing agencies of annual programs of projects to be advanced in urbanized areas.

§ 450.302 Applicability.

(a) After January 1, 1976, the regulations in this subpart shall be applicable to projects in or serving urbanized areas and funds made available under:

(1) 23 U.S.C. 104(b) (6) (urban systems projects);

(2) 23 U.S.C. 103(e) (4) (Interstate substitution projects);

(3) Sections 3 and 5 of the Urban Mass Transportation Act of 1964, as amended (UMT Act) (49 U.S.C. 1602 and 1604—UMTA capital and operating assistance projects);

(4) 23 U.S.C. 104(b) (3) (projects on urban extensions of primary and secondary systems), except as provided in this subpart;

(5) 23 U.S.C. 104(b) (5) (projects on the Interstate System), except as provided in this subpart.

(b) Projects under paragraphs (a) (4) and (5) of this section, which are included in the highway safety improvement program, may be excluded from the transportation improvement program at the option of the State.

§ 450.304 Definitions.

(a) Except as otherwise provided, terms defined in 23 U.S.C. 101(a) are used in this subpart as so defined.

(b) As used herein:

"Annual element" means a list of transportation improvement projects proposed for implementation during the first program year.

"Governor" means the Governor of any one of the fifty States, and includes the Mayor of the District of Columbia.

"Highway safety improvement program" means a program prepared by the State pursuant to 23 CFR, Part 655, Subpart E.

"Interstate substitution projects" means projects funded under 23 U.S.C. 103(e) (4) (Withdrawal of Interstate segments and substitution of nonhighway public mass transportation projects).

"Interstate System projects" means projects funded under 23 U.S.C. 104(b) (5).

"Metropolitan Planning Organization" means that organization designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as provided in 23 U.S.C. 104(f) (3), and capable of meeting the requirements of Sections 3 (a) (2) and (e) (1), and 4(a), and 5 (g) (1) and (i) of the UMT Act (49 U.S.C. 1602 (a) (2) and (e) (1), 1603(a) and 1604 (g) (1) and (i)). This organization is the forum for cooperative decisionmaking by principal elected officials of general purpose local government.

"Transportation Improvement Program" means a staged multiyear program of transportation improvements including an annual element.

§ 450.306 Transportation improvement program: general.

(a) The transportation improvement program shall be developed and updated annually under the direction of the Metropolitan Planning Organization (MPO) in cooperation with:

(1) State and local officials;

(2) Regional and local transit operators;

(3) Recipients authorized under section 5(b) (2) or (3) of the UMT Act (49 U.S.C. 1604(b) (2) or (3)); and

(4) Other affected transportation and regional planning and implementing agencies.

(b) The transportation improvement program shall consist of improvement recommended from the transportation systems management and long-range elements of the transportation plan developed under § 450.116 of this part.

(c) The program shall cover a period of not less than 3 years, but may at local discretion cover up to 5 or more years.

§ 450.308 Transportation improvement program: content.

The transportation improvement program shall:

(a) Identify transportation improvements recommended for advancement during the program period;

(b) Indicate the area's priorities;

(c) Group improvements of similar urgency and anticipated staging into appropriate staging periods;

(d) Include realistic estimates of total costs and revenues for the program period; and

(e) Include a discussion of how improvements recommended from the long-range element and the transportation systems management element prepared pursuant to § 450.116 of this part were merged into the program.

§ 450.310 Annual element: project initiation.

Federally funded projects shall be initiated for inclusion in the annual element at all stages in the development of the transportation improvement for which program action is proposed. These projects shall be initiated as follows:

(a) Proposed urban system highway projects shall be initiated by local officials in whose jurisdiction the project is located.

(b) Proposed urban system nonhighway public mass transportation projects and Interstate substitution nonhighway public mass transportation projects shall be initiated by principal elected officials of general purpose local governments in consultation with local transit operating officials or by local transit operating officials.

(c) Proposed UMTA section 3 projects (49 U.S.C. 1602) shall be initiated by recipients authorized under section 5(b) (2) or (3) of the UMT Act (49 U.S.C. 1604(b) (2) or (3)), by local transit operating officials, or by principal elected officials of general purpose local governments in cooperation with local transit operating officials.

(d) Proposed UMTA section 5 projects (49 U.S.C. 1604) shall be initiated by recipients authorized under section 5(b) (2) or (3) of the UMT Act (49 U.S.C. 1604(b) (2) or (3)). Nothing in this subsection is intended to prohibit or discourage the initiation by such recipients of projects recommended by local transit operating officials or by principal elected officials of general purpose local governments in cooperation with local transit operating officials.

(e) Proposed urban extension and Interstate System projects shall be initiated by the State highway agency.

§ 450.312 Annual element: content.

(a) Except as provided in § 450.302 (b) of this subpart, the annual element shall contain:

(1) Projects initiated under § 450.310 and endorsed under § 450.316 of this subpart; and

(2) For informational purposes, all nonfederally funded projects recommended from the transportation systems management element.

(b) With respect to each project under paragraph (a) of this section the annual element shall include:

(1) Sufficient descriptive material (i.e., type of work, termini, length, etc.) to identify the project;

(2) Estimated total cost and the amount of Federal funds proposed to be obligated during the program year;

(3) Proposed source of Federal and non-Federal funds; and

(4) Identification of the recipient and State and local agencies responsible for carrying out the project.

(c) Projects proposed for Federal support that are not considered by the State and MPO to be of appropriate scale for individual inclusion in the annual element may be grouped by functional classification, geographic area, and work type.

(d) The annual element shall be reasonably consistent with the amount of Federal funds expected to be available to the area. Federal funds that have been allocated to the area pursuant to 23 U.S.C. 150 shall be identified.

(e) The total Federal share of projects included in the annual element and proposed for funding under section 5 of the UMT Act (49 U.S.C. 1604) may not exceed apportioned section 5 funds available to the urbanized area during the program year.

§ 450.314 Annual element: modification.

The annual element may be modified at any time consistent with the procedures established in this subpart for its development.

§ 450.316 Action required by the Metropolitan Planning Organization.

(a) The transportation improvement program, including the annual element, shall be endorsed annually by the MPO.

(b) The MPO shall submit the transportation improvement program including the annual element:

(1) To the Governor and the Urban Mass Transportation Administrator; and

(2) Through the State to the Federal Highway Administrator.

§ 450.318 Selection of projects for implementation.

(a) The projects proposed to be implemented with Federal assistance under sections 3 and 5 of the UMT Act (49 U.S.C. 1602 and 1604) shall be those contained in the annual element of the transportation improvement program submitted by the MPO to the Urban Mass Transportation Administrator.

(b) Upon receipt of the transportation improvement program, the State shall include in the statewide program of projects required under 23 U.S.C. 105:

(1) Those projects drawn from the annual element and proposed to be implemented with Federal assistance under 23 U.S.C. 104(b)(6) (Federal-aid urban system) and 103(e)(4) (Withdrawal of Interstate segments and substitution of public mass transportation projects), in which it concurs; provided, however, that in any case where the State does not concur in a nonhighway public mass transportation project, a statement describing the reasons for the nonconurrence shall accompany the statewide program of projects; and

(2) Those projects drawn from the annual element and proposed to be implemented with Federal assistance under 23 U.S.C. 104(b)(3) (Extensions of the Federal-aid primary and secondary systems in urbanized areas) and 23 U.S.C. 104(b)(5) (Interstate System projects in urbanized areas); and

(3) Those projects not drawn from the annual element that are proposed to be implemented with Federal assistance under 23 U.S.C. 104(b)(3) (projects on urban extensions of primary and secondary systems) and 23 U.S.C. 104(b)(5) (projects on the Interstate System) provided that:

(i) Such project or projects were initiated pursuant to § 450.310(e) of this subpart; and

(ii) Such project or projects are for highway transportation improvements for which there has been a Federal authorization to acquire right-of-way or Federal approval of physical construction or implementation where right-of-way acquisition was not previously federally funded.

(c) For each project under paragraph (b)(3) of this section a statement shall accompany the statewide program of projects which shall:

(1) Include the views of the MPO; and

(2) Indicate how the requirements of 23 U.S.C. 134(a) have been met.

(d) The preparation and endorsement of the transportation improvement program and the selection of projects in accordance with these regulations will meet the requirements of 23 U.S.C. 105 (d), 23 U.S.C. 134(a), and section 5(g)(2) of the UMT Act (49 U.S.C. 1604(g)(2)).

(e) The State shall notify the MPO of actions taken under paragraph (b) of this section.

§ 450.320 Program approval.

(a) Upon the determination by the Federal Highway Administrator and the Urban Mass Transportation Administrator that the transportation improvement program or portion thereof is in conformance with this subpart and that the area is under planning certification, programs of projects selected for implementation under § 450.318 of this subpart, will be considered for approval as follows:

(1) Federal-aid urban system projects included in the statewide program of

projects under 23 U.S.C. 105 will be approved by:

(i) The Federal Highway Administrator with respect to highway projects;

(ii) The Urban Mass Transportation Administrator with respect to nonhighway public mass transportation projects; and

(iii) The Federal Highway Administrator and the Urban Mass Transportation Administrator jointly in any case where the statewide program of projects submitted pursuant to 23 U.S.C. 105 does not include all Federal-aid urban system nonhighway public mass transportation projects contained in the annual element.

(2) Interstate substitution nonhighway public mass transportation projects included in the statewide program of projects under 23 U.S.C. 105 will be approved by the Urban Mass Transportation Administrator.

(3) Projects proposed to be implemented under sections 3 and 5 of the UMT Act (49 U.S.C. 1602 and 1604) included in the annual element of the transportation improvement program will be approved by the Urban Mass Transportation Administrator after considering any comments received from the Governor within 30 days of the submittal required by § 450.316(b)(1) of this subpart.

(4) Federal-aid urban extension and Interstate projects included in the statewide program of projects under 23 U.S.C. 105 will be approved by the Federal Highway Administrator.

(b) Approvals by the Federal Highway Administrator or joint approvals by the Federal Highway Administrator and Urban Mass Transportation Administrator will be in accordance with the provisions of this subpart and with 23 CFR 630, Subpart A. Approvals granted under this section will constitute:

(1) The approval required under 23 U.S.C. 105; and

(2) A finding that the program is based on a continuing, comprehensive planning process carried on cooperatively by the States and local communities in accordance with the provisions of 23 U.S.C. 134.

(c) Approvals by the Urban Mass Transportation Administrator will be in accordance with the provisions of this subpart and with other applicable provisions of 49 CFR 613, Subpart B. These approvals will constitute:

(1) The approval required under section 5(g)(2) of the UMT Act (49 U.S.C. 1604(g)(2));

(2) A finding that the projects are based on a continuing comprehensive transportation planning process carried on in accordance with the provisions of sections 3(a)(2) or 5(g)(1) of the UMT Act (49 U.S.C. 1602(a)(2) or 1604(g)(1)), as applicable; and

(3) A finding that the projects are needed to carry out a program for a unified or officially coordinated urban transportation system in accordance with the provisions of sections 4(a) or 5(l) of the UMT Act (49 U.S.C. 1603(a) or 1604(l)), as applicable.

[FR Doc. 75-24697 Filed 9-16-75; 8:45 am]

Title 49—Transportation

CHAPTER VI—URBAN MASS TRANSPORTATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 613—PLANNING ASSISTANCE AND STANDARDS

Urban Transportation Planning

The purpose of this document is to issue final regulations implementing certain provisions of Title 23, United States Code, and the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601, et seq.), which govern urban transportation planning under the Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA) programs.

In the November 8, 1974, edition of the *FEDERAL REGISTER* (39 FR 39660), FHWA and UMTA published a notice of proposed rulemaking to add a new Part 450, Subpart A, to 23 CFR, Chapter I, and a new Part 613, Subpart B, to 49 CFR, Chapter VI.

The final regulations are published in full under 23 CFR, Part 450, Subpart A. The purpose of the regulations published below is to incorporate 23 CFR, Part 450, Subpart A, into 49 CFR, Part 613, Subpart A. The original notice indicated that the Urban Transportation Planning regulations under 23 CFR, Part 450, Subpart A, were to be incorporated into 49 CFR, Part 613, Subpart B. For reasons of continuity, these regulations are published as being incorporated into 49 CFR, Part 613, Subpart A rather than Subpart B.

The preamble to the joint FHWA/UMTA regulations, Title 23, CFR Part 450, Subpart A, published at page 42976 of this edition of the *FEDERAL REGISTER* and to be incorporated by reference in 49 CFR, Part 613, Subpart A, is hereby incorporated as the preamble for the following regulations.

Pursuant to Sections 3, 4(a), and 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603(a) and 1604), and 23 U.S.C. 104(f)(3), 134, and 315, and the delegation of authority by the Secretary at 49 CFR 1.48(b) and 1.50(f), Chapter VI of Title 49 of the Code of Federal Regulations is amended by adding a new Subchapter B, Part 613, Subpart A, as set forth below.

Effective date: These regulations take effect on October 17, 1975.

Issued on: September 11, 1975.

L. P. LAMM,
Executive Director,
Federal Highway Administration.
ROBERT E. PATRICELLI,
Urban Mass Transportation
Administrator.

Subpart A of Part 613 is added as set forth below:

Subpart A—Urban Transportation Planning

Sec.

§ 1.100 Urban transportation planning.

Authority: 23 U.S.C. 104(f)(3), 134, and 315; § 3, 4(a), and 5 of the Urban Mass Transportation Act of 1964, as amended (49

U.S.C. 1602, 1603(a), and 1604); 49 CFR §§ 1.48(b) and 1.50(f).

Subpart A—Urban Transportation Planning

§ 613.100 Urban transportation planning.

The urban transportation planning regulations implementing 23 U.S.C. 134 and sections 3, 4(a), and 5(g)(1) and (l) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603(a) and 1604(g)(1) and (l)), which require comprehensive planning of transportation improvements which are set forth in 23 CFR Part 450, Subpart A, are incorporated into this subpart.

[FR Doc.75-24698 Filed 9-16-75;8:45 am]

PART 613—PLANNING ASSISTANCE AND STANDARDS

Transportation Improvement Program

The purpose of this document is to issue final regulations which implement certain provisions of title 23, United States Code, and the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. 1601, et seq., governing the planning and programming of urban transportation improvements under the Federal Highway Administration (FHWA) and Urban Mass Transportation Administration (UMTA) programs.

In the November 8, 1974, edition of the *FEDERAL REGISTER* (39 FR 39665), FHWA and UMTA published a notice of proposed rulemaking to add a new Part 450, Subpart C, to 23 CFR, Chapter I, and a new Part 613, Subpart A, to 49 CFR, Chapter VI.

The final regulations are published in full under 23 CFR, Part 450, Subpart C. The purpose of these regulations, published below, is to incorporate 23 CFR, Part 450, Subpart C, into 49 CFR, Part 613, Subpart B, and to set forth certain additional requirements applicable to the UMTA administered program. The original notice indicated that the Transportation Improvement Program regulations under 23 CFR, Part 450, Subpart C, were to be incorporated into 49 CFR, Part 613, Subpart A. For reasons of continuity, these regulations are published as being incorporated into 49 CFR, Part 613, Subpart B rather than Subpart A.

The preamble to the joint FHWA-UMTA regulations, Title 23 CFR, Part 450, Subpart C, published at page 42976 of this edition of the *FEDERAL REGISTER*, and to be incorporated by reference in 49 CFR Part 613, Subpart B, is hereby incorporated as the preamble for the following regulations.

Pursuant to sections 3, 4(a) and 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603(a), and 1604) and 23 U.S.C. 105, 134(a), and 135(b), and the delegation of authority by the Secretary at 49 CFR 1.48(b) and 1.50(f), Chapter VI of Title 49 of the Code of Federal Regulations, is hereby amended by adding a new Subchapter B, Part 613, Subpart B, as set forth below.

Effective date: These regulations take effect on October 17, 1975.

Issued on: September 11, 1975.

ROBERT E. PATRICELLI,
Urban Mass
Transportation Administrator.

L. P. LAMM,
Executive Director,
Federal Highway Administration.

Subpart B of Part 613 is added as set forth below:

Subpart B—Transportation Improvement Program

Sec.

§ 613.200 Transportation Improvement Program.

§ 613.202 Additional criteria for urban mass transportation Administrator's approvals under 23 CFR 450.320.

Authority: 23 U.S.C. 105, 134(a), and 135(b); § 3, 4(a), and 5 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602, 1603(a), and 1604); and § 49 CFR 1.48(b) and 1.50(f).

Subpart B—Transportation Improvement Program

§ 613.200 Transportation Improvement Program.

The transportation improvement program regulations establishing guidelines for the development, content, and processing of a cooperatively developed transportation improvement program in urbanized areas and also prescribing guidelines for the selection, by implementing agencies, of annual programs of projects to be advanced in urbanized areas which are set forth in 23 CFR Part 450, Subpart C, are incorporated into this subpart.

§ 613.202 Additional criteria for urban mass transportation Administrator's approvals under 23 CFR 450.320.

(a) This section establishes certain additional criteria to be considered by the Urban Mass Transportation Administrator in his program approval pursuant to 23 CFR 450.320(a)(3) for all projects proposed for implementation with Federal assistance under sections 3 and 5 of the Urban Mass Transportation Act of 1964, as amended (23 U.S.C. 1602 and 1604), in urbanized areas having a population of 200,000 or more.

(b) After March 30, 1976, the Urban Mass Transportation Administrator will grant program approval for projects under paragraph (a) of this section only after he has determined that:

(i) The transportation plan developed pursuant to 23 CFR 450.116 contains a Transportation System Management (TSM) element; and

(ii) The annual element of the transportation improvement program developed pursuant to 23 CFR 450.118 contains projects drawn from the TSM element.

(c) After March 30, 1977, the Urban Mass Transportation Administrator will grant program approval for projects under paragraph (a) of this section only after he has determined that reasonable progress has been demonstrated in implementing previously programmed projects.

[FR Doc.75-24699 Filed 9-16-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

[UMTA Docket No. 76-05]

PARATRANSIT SERVICES

Proposed Policy

The purpose of this Notice is to issue for review and comment a statement of policy of the Urban Mass Transportation Administration with respect to paratransit.

The Urban Mass Transportation Act of 1964, as amended, declared it to be in the national interest to encourage and promote the development of transportation systems embracing various modes of transport, both public and private. In support of this objective, the Urban Mass Transportation Administration declared flexible, collective paratransit services eligible for Federal capital and operating assistance under the formula grant (section 5) program (40 FR 2535, issued January 13, 1975).

The subsequent growth of interest in paratransit has made it desirable for UMTA to clarify its position on the potential role of this family of transportation services and on their implications for the administration of the Federal mass transportation assistance program.

The Urban Mass Transportation Administration invites comments on the proposed policy from all interested parties. Comments should be directed to UMTA's Office of Policy and Program Development, Room 9316, 400 Seventh Street, SW., Washington D.C. 20590. All written communications received on or before November 30, 1976, will be considered in the preparation of the final Statement of Policy.

Issued in Washington, D.C., on October 15, 1976.

ROBERT E. PATRICELLI,
Urban Mass Transportation
Administrator.

POLICY ON PARATRANSIT

The strength of our transportation system lies in its diversity, with each mode contributing its unique and inherent advantages and responding to different consumer demands at various levels of cost and quality of service. It is the policy of the Department of Transportation to preserve and encourage this diversity by promoting competitive opportunity for all forms of transportation, both public and private; and to encourage cooperation, connectivity and integration among different modes and types of service.

Paratransit—flexible, collective transportation services, operated publicly or privately and using small or intermediate-sized vehicles—has an important role to play in such a unified transportation system. Its various forms, when properly designed and implemented as part of a coordinated areawide transportation plan, can satisfy a wide range of local transportation needs that would otherwise remain unmet or provided for less effectively. In rural America, in small

towns and in suburban communities where population densities are low and travel patterns diffuse, paratransit will often be the most economical form of local public transportation. In many communities, large and small, paratransit can offer the best means of serving the needs of elderly, young and handicapped persons, and those who do not own cars and have no convenient access to regular public transportation.

The effectiveness and efficiency of a total transportation system can be increased by coordinating paratransit with conventional transit. In lower and medium density areas where the automobile is the only access mode to regular transit service, paratransit can provide pre-arranged collection-distribution service to fixed-route line haul systems, thereby extending the reach of public transportation into low density residential areas that would otherwise remain unserved. If demand increases, paratransit services can be progressively replaced by conventional fixed-route services. Thus, paratransit can serve as a vanguard for regular transit, opening up new market territory and building up the transit habit at a cost affordable to the community.

Paratransit can also supplement conventional fixed-route service by providing higher quality service to those who desire and are willing to pay for it. The combined effects of a high level of automobile availability, increased affluence and more dispersed travel patterns have estranged many people from conventional transit. Flexible, personalized paratransit services offer a chance of persuading the transit independents to abandon their total reliance on the private automobile and to become users of public transportation for local, short-distance trips.

Finally, paratransit, in the form of voluntary, cooperative ride-sharing arrangements, can enable people living in outlying portions of metropolitan areas with no convenient access to regular transit service to cease their dependency on the private automobile for the trip to work, and to contribute to the goal of relieving congestion and conserving energy.

In sum, transit and paratransit complement each other and can be made to work in a productive partnership to the advantage of both modes. In some cases this partnership can take the form of cooperative arrangements between private and public operators, each serving a different segment of the market. In other cases, a public transit authority can serve as a broker, contracting with different private and public operators to provide the most economical and convenient service to fit the market needs of a particular segment of the community. The important point is that our metropolitan areas, with their varied forms, densities and travel patterns, require a mix of conventional and flexible transit services to serve different market needs. An effective metropolitan transportation system should take the form of a cooperative partnership of paratransit and regular transit modes, with

closely coordinated services and with the possibility of varied ownership of its different components. Such a system offers promise of the greatest overall operating efficiency and effectiveness by exploiting the inherent advantages of each mode and providing a range of differentiated service options that respond to varying consumer demands and different local needs and budgets.

PLANNING FOR PARATRANSIT SERVICES

UMTA encourages urban areas to consider paratransit services whenever such services offer promise of a more effective, efficient and economical way of providing needed public transportation service. Examples of circumstances for which paratransit service could be appropriate are local circulation in low density areas, transportation of elderly and handicapped persons, substitute late night and weekend transit service in central cities, feeder/distribution service to line haul operations in low density neighborhoods, and cooperative ride-sharing arrangements for the home-to-work trip.

Consideration of paratransit services is encouraged in the development of Transportation System Management (TSM) plans, Transit Development Programs in non-urbanized areas, and plan elements developed pursuant to UMTA regulations concerning Transportation for Elderly and Handicapped Persons (49 CFR 613). UMTA will seek to ensure, as part of the annual review of the Transportation Improvement Program (TIP), that the use of paratransit services has been adequately considered in the development of the TSM plan and the plan element intended to meet the transportation needs of elderly and handicapped persons (49 CFR 613), and that those paratransit services that have been included in the TSM plan are programmed for implementation. At the same time, the intent and spirit underlying the Federal program of mass transportation assistance is to leave to localities the widest possible discretion and flexibility in deciding upon the nature and mix of their transportation system. UMTA, therefore, will abide by the local judgment as to the choice of modes and mix of services to be included in the local plan and program.

Sections 3(e) and 4(a) of the Urban Mass Transportation Act of 1964, as amended (hereinafter "the Act") encourage maximum feasible participation of private enterprise in carrying out the local urban transportation program. Pursuant to this policy, UMTA will seek to ensure, as part of the annual review of the Transportation Improvement Program (TIP), that local taxi operators and other private transportation providers have been afforded a fair and timely opportunity to participate in the development of local transportation plans and programs and to recommend the inclusion of private paratransit services (including special services for elderly and handicapped persons) in the Transportation System Management (TSM) plan and in the annual element of the Transportation Improvement Program (TIP).

Outmoded local laws, regulations and ordinances often constitute a barrier to paratransit implementation. Local and State agencies are encouraged to review existing laws, regulations and ordinances pertaining to paratransit operation, and eliminate or revise obsolete requirements or prohibitions that constrain or inhibit the introduction of paratransit services.

The proliferation of different social service agencies providing independent and uncoordinated special transportation services often constitutes an unnecessary duplication in equipment, facilities or labor, and represents a potential waste of public funds. State and local governments are urged to ensure maximum possible coordination in the delivery of such special transportation services, including offering existing operators a first opportunity to deliver the needed service with the funds available. UMTA, for its part, will attempt to facilitate such coordination through close cooperation with other Federal agencies.

PROTECTION OF EXISTING PRIVATE OPERATORS

Provision of paratransit service will often be carried out most efficiently and effectively by private transportation companies. It is in the public interest not to foreclose private operators from engaging in the provision of paratransit service where such private operators are willing and able to provide this service. Pursuant to this policy and to Sections 3(e) and 4(a) of the Act, UMTA will not provide financial assistance to any publicly-owned mass transportation company or private non-profit organization for the purpose of operating paratransit services in competition with paratransit services proposed or already being provided by an existing local taxi operator or other private transportation provider, unless it finds that the officially-developed local transportation program provides to the maximum extent feasible for the participation of private transportation companies (whether or not such companies are providing at the time mass transportation services).

A local transportation program will be found to provide for maximum feasible participation of private transportation

companies if it offers local taxi operators and other private transportation providers full opportunity to bid for the provision of any new paratransit services that might be proposed by public bodies for the implementation with the assistance of UMTA funds; and if it provides for the selection of the service provider competitively, on the basis of the highest efficiency and effectiveness, and least cost.

Compliance with the above policy of protection of private enterprise in the delivery of paratransit services will be ensured by UMTA through the annual review of the Transportation Improvement Program (TIP). Regulations are also being developed which will implement the general statutory requirement that maximum feasible participation be accorded to private enterprise in implementing an urban transportation program, going beyond the area of paratransit service.

ELIGIBILITY FOR FEDERAL FINANCIAL ASSISTANCE

Federal funds available pursuant to Sections 3 and 5 of the Act may be used to assist in the provision of paratransit services by publicly or privately owned transportation companies. Such funds may be used for the acquisition of equipment and for the payment of operating expenses (including depreciation on capital equipment) involved in the delivery of paratransit services. Any financial assistance to privately owned companies must, under the Act, be provided through a contractual arrangement with a public body or agency thereof or with a private non-profit organization.

To be eligible for such Federal financial assistance, a paratransit service must be included in the annual element of the local Transportation Improvement Program (TIP), or in a Transit Development Program (TDP) in the case of non-urbanized areas.

Paratransit services which may qualify for Federal financial assistance include dial-a-ride, jitney, community minibus, subscription bus service, certain forms of vanpooling and other types of collec-

tive (shared-ride) transportation services which are regularly available to the public, i.e. which cannot be reserved for the private and exclusive use of individual passengers.

Services which are not eligible for Federal financial assistance include exclusive-ride taxi services, car rental services, for-hire limousines and private ambulance service, and other similar forms of private transportation.

Where an organization is providing paratransit service as an incidental adjunct to its main business, UMTA will not consider such organization to be a mass transportation company within the meaning of Section 3(e) of the Act, or a mass transportation company or system with employees entitled to protection under Section 13(c). For example, a non-profit senior citizens center receiving capital assistance directly or through a public body under Section 3 or Section 16 of the Act for the purpose of providing transportation services to and from the center, would be considered by UMTA as not within the meaning of Sections 3(e) and 13(c). Similarly, a private taxi operator providing shared-ride paratransit services or contract services to a public transit authority, e.g. to provide special transportation services for elderly and handicapped persons, could be held to be providing such services on an incidental basis to its main business.

RESEARCH, DEVELOPMENT AND EXPERIMENTATION

To assist in making paratransit a more viable option for urban areas, UMTA maintains an active paratransit research, development and demonstration program. The objectives of this program are: (1) to investigate the potential of combining flexibly routed and fixed-route services in regional coverage systems integrating paratransit and conventional transit modes; (2) to develop and demonstrate viable institutional arrangements to support paratransit; (3) to develop and test improved vehicles and support technology for the delivery of paratransit services; and (4) to demonstrate innovative applications of paratransit services.

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